

**To:** Garbow, Avi[Garbow.Avi@epa.gov]  
**From:** Eric Schaeffer  
**Sent:** Fri 3/29/2013 2:30:06 PM  
**Subject:** checking in

Hi Avi, I hope you're well. I know you're out of the office today, and this could wait until next week, but I'm checking in to see if you have a few minutes to catch up on the power plant ELG. We just want to confirm that EPA is on track to meet the deadline for proposal on April 19. My office line is 202-263-4440, and my cell phone is Ex. 6 - Personal Privacy I'll be in New Orleans Monday through Wednesday next week, but can check messages/return calls from down there...Eric

Eric Schaeffer

Executive Director

Environmental Integrity Project

One Thomas Circle, NW, Ste. 900

Washington, DC 20009

**To:** Eric Schaeffer[eschaeffer@environmentalintegrity.org]  
**From:** Garbow, Avi  
**Sent:** Tue 4/2/2013 8:48:00 PM  
**Subject:** RE: checking in

Eric,

Sorry - not sure I got back to you with a number. I am at my desk - 202-564-1917 - if a call still works on your end.

Avi

Deputy General Counsel  
U.S. Environmental Protection Agency  
(202) 564-1917 Cell Ex. 6 - Personal Privacy

-----Original Message-----

From: Eric Schaeffer [mailto:eschaeffer@environmentalintegrity.org]  
Sent: Monday, April 01, 2013 11:15 PM  
To: Garbow, Avi  
Subject: Re: checking in

Sure, just let me know best number

Sent from my iPhone

On Apr 1, 2013, at 5:50 PM, "Garbow, Avi" <Garbow.Avi@epa.gov<mailto:Garbow.Avi@epa.gov>> wrote:

Eric,

Hope your trip to New Orleans is going well. Do you have anytime tomorrow from 4-5 PM (EST) for a quick check-in re: your email below?

Avi

From: Eric Schaeffer [mailto:eschaeffer@environmentalintegrity.org]  
Sent: Friday, March 29, 2013 10:30 AM  
To: Garbow, Avi  
Subject: checking in

Hi Avi, I hope you're well. I know you're out of the office today, and this could wait until next week, but I'm checking in to see if you have a few minutes to catch up on the power plant ELG. We just want to confirm that EPA is on track to meet the deadline for proposal on April 19. My office line is 202-263-4440, and my cell phone is Ex. 6 - Personal Privacy I'll be in New Orleans Monday through Wednesday next week, but can check messages/return calls from down there...Eric

**Ex. 6 - Personal Privacy**

Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
One Thomas Circle, NW, Ste. 900  
Washington, DC 20009

**To:** Eric Schaeffer[eschaeffer@environmentalintegrity.org]  
**From:** Garbow, Avi  
**Sent:** Tue 4/2/2013 3:17:47 AM  
**Subject:** Re: checking in

How about 4:30 est tomorrow - my direct line is 202 564 1917.  
Avi

---

From: Eric Schaeffer  
Sent: Monday, April 01, 2013 11:14:33 PM  
To: Garbow, Avi  
Subject: Re: checking in

Sure, just let me know best number

Sent from my iPhone

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Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
One Thomas Circle, NW, Ste. 900  
Washington, DC 20009

**To:** Eric Schaeffer[eschaeffer@environmentalintegrity.org]  
**From:** Garbow, Avi  
**Sent:** Mon 4/1/2013 10:51:31 PM  
**Subject:** RE: checking in

Eric,

Hope your trip to New Orleans is going well. Do you have anytime tomorrow from 4-5 PM (EST) for a quick check-in re: your email below?

Avi

**From:** Eric Schaeffer [mailto:eschaeffer@environmentalintegrity.org]  
**Sent:** Friday, March 29, 2013 10:30 AM  
**To:** Garbow, Avi  
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Eric Schaeffer

Executive Director

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One Thomas Circle, NW, Ste. 900

Washington, DC 20009



**To:** Eric Schaeffer[eschaeffer@environmentalintegrity.org]  
**From:** Garbow, Avi  
**Sent:** Sat 3/30/2013 2:23:12 PM  
**Subject:** Re: checking in

Eric,

Let's aim to connect early next week. Have a good trip - speak soon.

Avi.

---

**From:** Eric Schaeffer  
**Sent:** Friday, March 29, 2013 10:30:06 AM  
**To:** Garbow, Avi  
**Subject:** checking in

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Washington, DC 20009

**To:** Garbow, Avi[Garbow.Avi@epa.gov]  
**From:** Eric Schaeffer  
**Sent:** Tue 4/2/2013 9:04:47 PM  
**Subject:** Re: checking in

Hi Avi just left message. My cell is [Ex. 6 - Personal Privacy] if you want to try now. Tomorrow ok also but better any time from about 1130 to 3 your time. Back in Dc Thursday...

Sent from my iPhone

On Apr 2, 2013, at 3:47 PM, "Garbow, Avi" <Garbow.Avi@epa.gov> wrote:

> Eric,  
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> Sorry - not sure I got back to you with a number. I am at my desk - 202-564-1917 - if a call still works on your end.  
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> (202) 564-1917 Cell (202) 674-1804  
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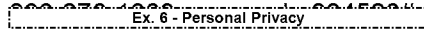
Eric Schaeffer  
Executive Director  
Environmental Integrity Project  
One Thomas Circle, NW, Ste. 900  
Washington, DC 20009

**From:** Jordan, Ronald  
**Location:** TBD  
**Importance:** Normal  
**Subject:** EPA call with Sierra Club -- Steam Electric ELGs  
**Start Date/Time:** Wed 7/24/2013 5:00:00 PM  
**End Date/Time:** Wed 7/24/2013 6:00:00 PM

Phone #: [Ex. 6 - Personal Privacy]  
Conf code: [Ex. 6 - Personal Privacy]

6

8

**From:** Zipf, Lynn  
**Location:** DCRoomWest6231V/DC-CCW-OST  
**Importance:** Normal  
**Subject:** EPA-State call to discuss the Steam Electric ELG proposal Conference Call Number  
 Ex 6 - Personal Privacy  
**Start Date/Time:** Thur 6/27/2013 3:00:00 PM  
**End Date/Time:** Thur 6/27/2013 4:00:00 PM  
[steamelectricproposalbriefing62713.pptx](#)

**To:** Jordan, Ronald[Jordan.Ronald@epa.gov]  
**Cc:** Casey Roberts (casey.roberts@sierraclub.org)[casey.roberts@sierraclub.org]  
**From:** Thomas Cmar  
**Sent:** Thur 8/22/2013 2:28:18 PM  
**Subject:** RE: questions re: benefits in BCA

Thanks, Ron, for pulling this call together. We can use this conference line for the call:

Ex. 6 - Personal Privacy

Best,

Thom

**From:** Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]  
**Sent:** Thursday, August 22, 2013 8:42 AM  
**To:** Thomas Cmar  
**Cc:** Casey Roberts (casey.roberts@sierraclub.org)  
**Subject:** FW: questions re: benefits in BCA  
**Importance:** High

Please don't forget to send call-in info for the Monday call. There will be several of us calling in from different locations.

**From:** Jordan, Ronald  
**Sent:** Friday, August 16, 2013 4:12 PM  
**To:** 'Thomas Cmar'  
**Cc:** Covington, James; Jennifer Duggan ([jduggan@environmentalintegrity.org](mailto:jduggan@environmentalintegrity.org)); Casey Roberts ([casey.roberts@sierraclub.org](mailto:casey.roberts@sierraclub.org)); Matthew Gerhart; Alicea, Jezebele; Matuszko, Jan; Phyllis Fox; Liz Stanton ([eastanton@synapse-energy.com](mailto:eastanton@synapse-energy.com))  
**Subject:** RE: questions re: benefits in BCA

We're ok with Monday, Aug 26 at 2:00-3:30. Please send the call-in info when you get a chance.

**From:** Thomas Cmar [<mailto:tcmar@earthjustice.org>]  
**Sent:** Friday, August 16, 2013 3:49 PM  
**To:** Jordan, Ronald  
**Cc:** Covington, James; Jennifer Duggan ([jduggan@environmentalintegrity.org](mailto:jduggan@environmentalintegrity.org)); Casey Roberts ([casey.roberts@sierraclub.org](mailto:casey.roberts@sierraclub.org)); Matthew Gerhart; Alicea, Jezebele; Matuszko, Jan; Phyllis Fox; Liz Stanton ([eastanton@synapse-energy.com](mailto:eastanton@synapse-energy.com))  
**Subject:** RE: questions re: benefits in BCA

Thanks for your email, Ron. After conferring on our end, the relevant folks on our side are all available on Monday, 8/26 at 2:00 Eastern. We'd like to have James Covington on the call so that we can discuss with both of you together our questions on the Benefit Cost Analysis that I sent you on Wednesday.

Would you like me to circulate a call-number for that date and time? Could we set said an hour and a half for the call? I could see it running longer than an hour.

Have a good weekend,

Thom

**From:** Jordan, Ronald [<mailto:Jordan.Ronald@epa.gov>]  
**Sent:** Friday, August 16, 2013 12:24 PM  
**To:** Thomas Cmar  
**Cc:** Covington, James; Jennifer Duggan ([jduggan@environmentalintegrity.org](mailto:jduggan@environmentalintegrity.org)); Casey Roberts ([casey.roberts@sierraclub.org](mailto:casey.roberts@sierraclub.org)); Matthew Gerhart; Alicea, Jezebele; Matuszko, Jan  
**Subject:** RE: questions re: benefits in BCA



Thom,

It's been quite a challenge (insurmountable so far) to get schedules to align for a call, especially since you folks prefer to have the call at 2pm or later (Eastern). Do you think we'll need to have James Covington on the call (benefits, econ analyses) – if so, I can offer Monday Aug 26 at 2pm. If not, we can go a few days earlier and talk next Friday (Aug 23) at 2pm.

Ron

**From:** Thomas Cmar [<mailto:tcmar@earthjustice.org>]  
**Sent:** Wednesday, August 14, 2013 9:36 AM  
**To:** Jordan, Ronald  
**Cc:** Covington, James; Jennifer Duggan ([jduggan@environmentalintegrity.org](mailto:jduggan@environmentalintegrity.org)); Casey Roberts ([casey.roberts@sierraclub.org](mailto:casey.roberts@sierraclub.org)); Matthew Gerhart  
**Subject:** questions re: benefits in BCA

Hi Ron,

Thank you for connecting us with James Covington to discuss the Benefit Cost Analysis for the proposed ELG. We had our conversation with James yesterday with Liz Stanton from Synapse on the line, and there were a number of questions we had wanted to discuss concerning the inputs and assumptions incorporated into the benefits side of the Benefit Cost Analysis that James wanted to discuss with you to the extent that they get into technical or engineering information. We sent a list of our questions to James yesterday, and I believe he forwarded them to you, but as a result of our conversation with James yesterday we made a couple of additions to our list, so I'm pasting a revised list below.

Please let us know if you would like to set up a call to discuss this further. In addition to the questions pasted below, we also have some questions relating to bottom ash water sampling and BAT cost estimates that we would like to ask with Phyllis Fox on the line.

Thank you for your help with this.

Best,

Thom

- 1) The data we have indicates that plants that have dry handling systems for FGD and ash recycle significantly more of both. Has EPA evaluated that? Wouldn't the economic benefit related to any increase in recycling of coal ash have to be factored into the switch to dry handling required under some of the regulatory options at issue? (Note: OSWER has already estimated those benefits.)
- 2) A number of large utilities have already made public announcements re: plans to phase out coal ash ponds. For example, TVA has announced that it will shut down all coal ash ponds by 2020. Some of these public statements are available, e.g., on public websites. Does the RIA subtract those voluntary commitments from its estimate of the costs of complying with the rule?
- 3) Similarly, some power plants may be required to adopt treatment technologies that are equal to or more stringent than those that will be required by the ELG in order to meet water quality-based permitting limits. Did EPA take into account the costs of plants that will be required to install new treatment as a result of other Clean Water Act requirements and subtract those costs from the costs of complying with the rule?
- 4) EPA has found that a significant number of power plants discharge pollutants into waters already designated as impaired for those same pollutants. Has the Agency evaluated any TMDLs that are in place (or other water quality-based permitting processes) to determine whether these provide estimates of the cost of reducing these discharges (a cost that other sources may bear)?
- 5) EPA has already said that the law requires that technology based standards must be established in each permit, based on "best professional judgment," where the Agency has not established effluent limitation guidelines for toxic pollutants. Some of the options under the rule

would rely on BPJ rather than specify industry-wide limitations. Has EPA estimated the cost to state agencies of having to develop BPJ limits for hundreds of power plants (e.g., the cost in manpower, public hearings, permit-by-permit administrative litigation, etc.)?

6) Conversion to dry handling would stop the ongoing discharge of fly ash and scrubber sludge to ponds. OSWER has provided various estimates of the economic benefits of reducing loadings to ponds, which are already leaking into groundwater and pose the threat of future catastrophes like the Kingston spill. In estimating benefits to groundwater quality and from reduced impoundment failures in the proposed rule, did EPA use the same methodology here as OSWER did in estimating benefits from the CCR rule?

7) The contamination of both ground and surface water has forced states to require cleanup plans to reduce leaks, seeps, and ongoing discharges at a number of plants. Recent examples include the First Energy Bruce Mansfield cleanup, and the GenOn settlement in Maryland covering three plants. These agreements are adopted in consent decrees, and specify actions (e.g., the installation of liners, stepped up monitoring, engineering analyses) for which reasonable cost estimates are readily available. Presumably, the conversion to dry handling would minimize the frequency and scope of future cleanup actions. Have these avoided costs been estimated and monetized when calculating benefits?

8) Do EPA's assumptions about discharge loadings (which affect the estimated health costs) include seeps from surface impoundments or landfills?

9) With respect to surface water withdrawals, the BCA appears to only discuss the benefits of reduced impingement and entrainment. Many of the proposed regulatory options would result in less consumptive water use at power plants. Did EPA take into account any benefits of that reduced water use in its analysis?

10) In the Federal Register notice of the proposed rule, on pages 34,470 to 34,471, it states the following:

“Our review demonstrated that, in the case of bottom ash transport water, units less than or equal to 400 MW are more likely to incur compliance costs that are disproportionately higher per MW than those incurred by large units...EPA believes that companies may choose to shut down 400

MW and smaller units instead of making new investments to comply with proposed zero discharge bottom ash requirements. EPA is basing this belief on its review of units that facilities have announced will be retired or converted to non-coal based fuel sources. Of those units that plants have announced for retirement, and that also generate bottom ash transport water, over 90 percent are 400 MW or less.”

Are we reading this correctly as EPA assuming that units <400 MW are already at a disproportionate risk of retirement and would, therefore, face a greater risk of being closed if required to perform dry handling of bottom ash transport water? Does EPA have any documentation of the basis for that assumption or of why it chose to draw the line at 400 MW?

11) Footnote 7 on page 2-5 of the Benefit Cost Analysis states “There may be market benefits associated with the decreased need for drinking water treatment, but EPA did not estimate these benefits as part of its analysis of the proposed rule.” Why not?

---

Thomas Cmar

Coal Program Attorney

Earthjustice

5042 N. Leavitt Street, Suite 1

Chicago, IL 60625

(312) 257-9338 (cell)

(212) 918-1556 (fax)

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\*please consider the environment before printing



**To:** Jordan, Ronald[Jordan.Ronald@epa.gov]  
**Cc:** 'Jennifer Duggan'[jduggan@environmentalintegrity.org]; 'Craig Segall - Sierra'[craig.segall@sierraclub.org]  
**From:** John Koon  
**Sent:** Thur 2/21/2013 8:29:10 PM  
**Subject:** Steam Electric Coal-Fired WW Tmt Costs

Ron,

I have seen a copy of a document that your group made public in October 2011, "Steam Electric Power Generating Effluent Guidelines Rulemaking – Supplemental Information Package #1 for Federal and Unfunded Mandates Reform Act (UMRA) Consultations."

Table 2 of the document contains compliance cost estimates for the achievement of four technology options which you are evaluating in the current rulemaking work (FGD WW, Fly ash transport WW, bottom ash transport WW, and landfill leachate). The costs in Table 2 are indicated as "preliminary."

Prior to seeing these costs, I was in the process of doing some work for the Environmental Integrity Project and the Sierra Club that also involved estimating similar costs for these waste streams. Our costs were very similar for the FGD and bottom ash streams, but were significantly higher than the Table 2 costs for conversion of fly ash management to dry transport.

I wonder if the preliminary estimates contained in your Table 2 have changed as your group has gotten further into this work; or if they have remained about the same. And if they have changed, can you tell me briefly in what ways they have changed?

Also – I assume that the costs for the model plants in Table 2 do not include any consideration of the fractions of the industry that already have adopted the technologies being considered. Is this correct?

Also 2 – I wonder if there is anything unusual in the scope of the Table 2 fly ash dry conversion costs that would likely be included in other estimates. Our estimates include only the equipment and associated appurtenances associated with the dry ash conversion systems.

Thanks,

John

John H. Koon, Ph.D., P.E., BCEE

JHK

John H. Koon & Associates  
Environmental Engineers  
1971 Breckenridge Drive, NE  
Atlanta, GA 30345  
Direct - 404.894.9365  
Mobile - Ex. 6 - Personal Privacy

**To:** Discussion forum for State Pretreatment Coordinators[statepretcoord@lists.epa.gov]; Snell, Debra (DEQ)[SNELLD@michigan.gov]  
**Cc:** Jordan, Ronald[Jordan.Ronald@epa.gov]; Alicea, Jezebele[Alicea.Jezebele@epa.gov]; Covington, James[Covington.James@epa.gov]; Kieler - CDPHE, Janet (janet.kieler@state.co.us)[janet.kieler@state.co.us]  
**From:** Scott, Grace (DEQ)  
**Sent:** Mon 6/17/2013 7:11:38 PM  
**Subject:** RE: Short Overview of Proposed Steam Electric ELG Revisions

Here are some preliminary observations that it may be useful to look at before the call. A formal letter is planned by ACWA, which will include comments on the entire regulation, not just pretreatment standards. If any states have additional comments/concerns or would like to be part of a smaller group to draft the official letter, please let me know.

The states like that EPA has identified and incorporated additional waste streams from this industry into the regulation. We see the pretreatment standards as only impacting a very small percentage of the power plants nationwide, since the vast majority discharge directly, rather than to POTWs.

None the less, there are a significant number of technical errors; and updates that should be addressed.

1. The most significant flaw in the pretreatment regulations is allowing the control authority to set a compliance deadline as soon as possible after July 1, 2017. This language is used in several sub-parts. This is not consistent with 40 CFR 403.6(b) and 307(b) of the CWA. It is overly vague, variable, and could exceed three years.
2. Also, the definitions for 10 year/24 hour storm (refers to 1961 study) and available chlorine (refers to S.M. 13<sup>th</sup> ed.) need to be updated.
3. According to the Boornazian New Source Date Memo, the new source date is not 11/19/1982 [as indicated in 40 CFR 423.17(a)], for indirect users it is 10/14/80.
4. EPA also carried over (except pH) in a couple places where pH is not a regulated pollutant for pretreatment (so it makes no sense to exclude it).
5. Also, to provide an exception for non-chemical metal cleaning waste does not make sense in 40 CFR 423.16(c). Non-chemical cleaning wastes were reserved for PSES and PSNS.
6. It also does not make sense to allow FGD to combine with combustion residual leachate since the combustion residual leachate waste is not regulated for the same pollutant parameters



for direct dischargers and is not regulated at all for indirect dischargers.

7. There does not appear to be a significant difference between non-chemical metal cleaning waste and metal cleaning waste. It is suggested that these definitions be consolidated and pollutants of concern equally imposed in both PSES and PSNS.

8. EPA stated in its Final Detailed Study that biocides, such as sodium hypochlorite, sodium bromide, or chlorine gas are used to control biofouling, then went on to discuss several Best Management Practices from 1982. We recommend that EPA impose best management practices as pretreatment standards, and delete monitoring requirements for the 126 regulated pollutants or allow the BMP as an alternative to monitoring, provided that where EPA specifically identifies pollutants of concern (e.g. chromium and zinc) that these pollutants are adequately controlled by the BMPs.

9. Sulfur is likely to be a pollutant of concern for POTWs. It is recommended that EPA consider establishing PSES and PSNS limits on flue gas desulfurization waste water discharges. See <http://ptarpp2.uitm.edu.my/suhaimiabdultalib/fulltext/sewer%20microbial.pdf>

10. The rationale behind the various cut off points is not well articulated. In fact, the detailed report maintains that there is not a significant difference between large and small plants. It should be noted that de minimus exemptions are typically not offered in other effluent guidelines.

There are also a few recommendations that we have that would improve the readability.

Limitations on PCBs and pH should be placed into tables as was done with the other pollutants.

It is suggested that the specialized definitions be alphabetized.

The way EPA states no discharge of pollutants doesn't fully convey the intent. It doesn't mean zero discharge, just that no pollutants can be present. It is suggested that the language be revised in a way that is more understandable. For example, "there shall be no measureable pollutants in any waste water discharged from the transport of fly ash." It should be clear that zero discharge of pollutants and no process discharge have completely different meanings. This should describe the appropriate level of detection.

The structure of the regulation with the various exceptions is hard to follow. Perhaps table

headings would help to help sort out all the exceptions or maybe even restructuring into different subparts with separate applicability sections.

Thanks,

Grace

Grace L. Scott

Pretreatment Coordinator

Water Resources Division

Mi Dept of Environmental Quality (DEQ)

517-335-4107

Fax 517-373-2040

[scottg@michigan.gov](mailto:scottg@michigan.gov)

**From:** Pickrel, Jan [mailto:Pickrel.Jan@epa.gov]

**Sent:** Monday, June 17, 2013 1:50 PM

**To:** Discussion forum for State Pretreatment Coordinators

**Cc:** Jordan, Ronald; Alicea, Jezebele; Covington, James

**Subject:** [statepretcoord] Short Overview of Proposed Steam Electric ELG Revisions

Dear State and EPA Pretreatment Coordinators:

On the recent State Pretreatment Coordinators conference call, it was requested that we have a guest speaker from the EPA Office of Science & Technology/Engineering and Analysis Division [also called the 'effluent guidelines staff'] provide a brief overview of the proposed rule revision. This brief overview would focus on the pretreatment portion of the proposed rule. This conference call is intended only for state and EPA Pretreatment Coordinators.

Here is the conference line information for state and EPA pretreatment coordinators to attend this discussion:

Date: Tuesday, June 18, 2013.

Time: 1pm Eastern

Call in number:

Ex. 6 - Personal Privacy

Access code:

Link to more information regarding the proposed rule revision to the Steam Electric Power Generating Category Effluent Guidelines

<http://water.epa.gov/scitech/wastetech/guide/steam-electric/proposed.cfm>

From this link, you may find additional links to:

- New Release (April 19, 2013);
- Federal Register notice (June 7, 2013);
- Technical Development Document (EPA-821-R-113-002);
- Environmental Assessment (EPA-821-R-113-003);
- Benefits and Cost Analysis (EPA-821-R-113-004);
- Regulatory Impact Analysis (EPA-821-R-113-005);
- Information on how to submit comments to the Rulemaking Docket (Docket number EPA-HQ-OW-2009-0819);
- Information on how to attend the July 9 Public Hearing in Washington, DC.

Note: Asking questions and providing comments during this conference call cannot substitute for providing comments to the Rulemaking Docket.

EPA requests that comments on this proposal must be received no later than August 6, 2013, and in accordance with instructions provided in the Federal Register notice on how to submit comments to the Rulemaking Docket.

--Jan

\*.\*.\*.\*.\*.\*.\*.\*.\*.\*

Jan Pickrel / U.S. Environmental Protection Agency

Office of Water/ Office of Wastewater Management

Water Permits Division / Industrial Branch

Mailing Address: 1200 Pennsylvania Ave, NW, MC 4203M

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**To:** Jason Heath[jheath@orsanco.org]; Al.Keller@illinois.gov[Al.Keller@illinois.gov]; doleone@state.pa.us[doleone@state.pa.us]; Cruz, Francisco[Cruz.Francisco@epa.gov]; Jordan, Ronald[Jordan.Ronald@epa.gov]; jory.becker@ky.gov[jory.becker@ky.gov]; Shell, Karrie-Jo[Shell.Karrie-Jo@epa.gov]; kmilcic@state.pa.us[kmilcic@state.pa.us]; Paul Higginbotham(phigginb@idem.in.gov)[PHIGGINB@idem.in.gov]; Paul.Novak@epa.state.oh.us[Paul.Novak@epa.state.oh.us]; Sara Beard[sara.beard@ky.gov]; sroush@idem.IN.gov[sroush@idem.IN.gov]; Yogesh Patel[yogesh.p.patel@wv.gov]  
**From:** Ramach, Sean  
**Sent:** Wed 3/12/2014 3:47:18 PM  
**Subject:** RE: NPDES Subcommittee Call - March 12 @ 10:30AM (eastern)  
[MercuryAnalyticalMethodsNPDESPermitsMemoFinal.pdf](#)

Here is a version from the web that is scanned properly.

Cheers,

**Sean Ramach**

Environmental Scientist | P:312-886-5284 F:312-692-2502 | [ramach.sean@epa.gov](mailto:ramach.sean@epa.gov)

U.S. EPA, Region 5, Water Division, NPDES Programs Branch | 77 W. Jackson Blvd., WN-16J | Chicago, IL 60604



Please consider the environment before printing this e-mail.

**From:** Jason Heath [mailto:jheath@orsanco.org]  
**Sent:** Wednesday, March 05, 2014 1:21 PM  
**To:** Jason Heath; Al.Keller@illinois.gov; doleone@state.pa.us; Cruz, Francisco; Jordan, Ronald; jory.becker@ky.gov; Shell, Karrie-Jo; kmilcic@state.pa.us; Paul Higginbotham(phigginb@idem.in.gov); Paul.Novak@epa.state.oh.us; Sara Beard; Ramach, Sean; sroush@idem.IN.gov; Yogesh Patel  
**Subject:** RE: NPDES Subcommittee Call - March 12 @ 10:30AM (eastern)

We would like to reschedule this call to begin at 11am (eastern) instead of 10:30am on the same date, March 12. Please let me know if this presents a conflict for you. Thank you.

Jason Heath, P.E., BCEE

Technical Programs Manager & Assistant Chief Engineer

Ohio River Valley Water Sanitation Commission (ORSANCO)

5735 Kellogg Ave. Cincinnati OH 45230

513-231-7719 wk

Ex. 6 - Personal Privacy bell

**From:** Jason Heath [mailto:jheath@orsanco.org]

**Sent:** Friday, February 28, 2014 3:55 PM

**To:** Al.Keller@illinois.gov; 'doleone@state.pa.us'; 'Francisco Cruz'; Jordan.Ronald@epamail.epa.gov; 'jory.becker@ky.gov'; 'Karrie-Jo Shell'; 'kmilcic@state.pa.us'; 'Paul Higginbotham(phigginb@idem.in.gov)'; 'Paul.Novak@epa.state.oh.us'; 'Sara Beard (sara.beard@ky.gov)'; 'Sean Ramach'; 'Steve Roush (sroush@idem.in.gov)'; 'Yogesh Patel (yogesh.p.patel@wv.gov)'

**Cc:** Peter Tennant; sbruny@roadrunner.com

**Subject:** NPDES Subcommittee Call - March 12 @ 10:30AM (eastern)

To ORSANCO NPDES Subcommittee:

Chairman Novak would like to schedule a call of the subcommittee for Wednesday, March 12, at 10:30AM (eastern). The call-in number is Ex. 6 - Personal Privacy access code Ex. 6 - Personal Privacy Please let me know if you are unable to attend so that we can consider rescheduling. Thank you.

## Agenda

- 1) Update from Feb. 2014 Technical Committee meeting
- 2) Recommendation that letters be sent to Potentially Affected Ohio River Discharges regarding new date of mixing zone prohibition for BCCs
- 3) Development of streamlined mercury variance procedure

- 4) List of Ohio River mercury discharges
- 5) Coordinated procedure for permitting ammonia & TDS at water intakes
- 6) USEPA update on the coal-fired electric power effluent guidelines rule

Jason Heath, P.E., BCEE

Technical Programs Manager & Assistant Chief Engineer

Ohio River Valley Water Sanitation Commission (ORSANCO)

5735 Kellogg Ave. Cincinnati OH 45230

513-231-7719 wk

Ex. 6 - Personal Privacy ell

**To:** Al.Keller@illinois.gov[Al.Keller@illinois.gov]; doleone@state.pa.us[doleone@state.pa.us]; Cruz, Francisco[Cruz.Francisco@epa.gov]; Jordan, Ronald[Jordan.Ronald@epa.gov]; jory.becker@ky.gov[jory.becker@ky.gov]; Shell, Karrie-Jo[Shell.Karrie-Jo@epa.gov]; kmilcic@state.pa.us[kmilcic@state.pa.us]; Paul Higginbotham(phigginb@idem.in.gov)[PHIGGINB@idem.in.gov]; Paul.Novak@epa.state.oh.us[Paul.Novak@epa.state.oh.us]; Sara Beard[sara.beard@ky.gov]; Ramach, Sean[Ramach.Sean@epa.gov]; sroush@idem.IN.gov[sroush@idem.IN.gov]; Yogesh Patel[yogesh.p.patel@wv.gov]  
**Cc:** Greg Youngstrom[gregy@orsanco.org]; Sam Dinkins[sdinkins@orsanco.org]; Stacey Cochran[stacey@orsanco.org]  
**From:** Jason Heath  
**Sent:** Wed 9/11/2013 8:35:32 PM  
**Subject:** ORSANCO NPDES Subcommittee Call -- Wednesday, Sep. 18, 10:30am (eastern)  
[Draft Comments on Steam Electric Guidelines.docx](#)  
[Discharge Compliance Rpt SNC Apr 12-Mar 13.xlsx](#)  
[Updated Hg List as of 13-Sep-11.xlsx](#)

To ORSANCO NPDES Subcommittee:

The next call of the subcommittee is scheduled for next Wednesday, Sep. 18, 10:30-noon (eastern). The call-in number **Ex. 6 - Personal Privacy** The agenda for the call is as follows:

### 1) Mercury Discharge List

This list (will send in separate email attachment) may get significant attention at the upcoming Technical Committee/Commission meeting because of the proposed extension of the effective date of the ban on mixing zones for BCCs. The list could be used by external entities to show the discharges that could benefit from the proposed extension, so I believe it is in our best interest to make the list as accurate as possible. Currently, we still need updates from Kentucky, Pennsylvania and West Virginia.

### 2) Streamlined Variance Procedure

The subcommittee proposed a 30 ng/L action level. The 30 ng/L was finalized with approval by Region 5 in 2002 in Michigan's Mercury Permitting Strategy. The 30 ng/L represents a "Level Currently Achievable" with references to the state of Maine discharge data. Michigan's 2004 updated strategy revised the "Level Currently Achievable" to 10 ng/L based on more recent discharge data from Michigan discharges. Due to a 2007 lawsuit, the state eliminated the 10 ng/L LCA and has gone to a site-specific method. In speaking to Michigan permitting staff, they indicated that the site-specific LCA is generally less than 10 ug/L. In addition, there is a 2012 draft report by Battelle for EPA Region 5 addressing current mercury treatment technologies.



**3) Draft comments on steam electric guidelines**

Comments are attached for your review. We will be asking if you would support sending these comments on behalf of the ORSANCO NPDES Subcommittee.

**4) State review of ORSANCO report on Ohio River discharges with compliance issues**

The report is attached for your review. The information was obtained from EPA QNCR reports which can be inaccurate on occasion, so we are asking that you check the report for any inaccuracies and submit revisions prior to the call on September 18, since the report will be mailed with the Technical Committee meeting agenda on Sept. 19.

Jason Heath, P.E., BCEE

Technical Programs Manager & Assistant Chief Engineer

Ohio River Valley Water Sanitation Commission (ORSANCO)

5735 Kellogg Ave. Cincinnati OH 45230

513-231-7719 wk

Ex. 6 - Personal Privacy cell

**To:** Jason Heath[jheath@orsanco.org]; Al.Keller@illinois.gov[Al.Keller@illinois.gov]; doleone@state.pa.us[doleone@state.pa.us]; Cruz, Francisco[Cruz.Francisco@epa.gov]; Jordan, Ronald[Jordan.Ronald@epa.gov]; jory.becker@ky.gov[jory.becker@ky.gov]; Shell, Karrie-Jo[Shell.Karrie-Jo@epa.gov]; kmilcic@state.pa.us[kmilcic@state.pa.us]; Paul Higginbotham(phigginb@idem.in.gov)[PHIGGINB@idem.in.gov]; Paul.Novak@epa.state.oh.us[Paul.Novak@epa.state.oh.us]; Sara Beard[sara.beard@ky.gov]; Ramach, Sean[Ramach.Sean@epa.gov]; sroush@idem.IN.gov[sroush@idem.IN.gov]; Yogesh Patel[yogesh.p.patel@wv.gov]  
**From:** Jason Heath  
**Sent:** Tue 5/14/2013 3:08:28 PM  
**Subject:** ORSANCO NPDES Committee Call -- Wednesday, May 15 @ 10:30 eastern

One additional item for the NPDES Committee call tomorrow -- Discussion of the Power Industry's proposal for implementation guidance for ORSANCO's human health temperature criterion (110 deg F) which applies "at any location where public access is possible." The Power Industry's proposal is as follows:

Temperature: The maximum temperature at any location where public access is possible shall not exceed 110 degrees F to protect human health caused by exposure resulting from water contact. **Public access is determined by consideration of site-specific factors such as: 1) the availability of public property on land proximal to the thermal mixing zone; 2) the likelihood of temporary full-body immersion in the thermal mixing zone; and 3) deliberate efforts made by a permittee to restrict and/or discourage the legal access of persons inside the thermal mixing zone. The temperature criterion shall apply where both the accessibility and potential for temporary full-body immersion is reasonable.**

Jason Heath, P.E., BCEE

Technical Programs Manager & Assistant Chief Engineer

Ohio River Valley Water Sanitation Commission (ORSANCO)

5735 Kellogg Ave. Cincinnati OH 45230

513-231-7719 wk

Ex. 6 - Personal Privacy cell

**From:** Jason Heath [mailto:jheath@orsanco.org]  
**Sent:** Monday, May 13, 2013 4:42 PM  
**To:** Al.Keller@illinois.gov; 'doleone@state.pa.us'; 'Francisco Cruz'; Jordan.Ronald@epamail.epa.gov; 'jory.becker@ky.gov'; 'Karrie-Jo Shell'; 'kmilcic@state.pa.us'; 'Paul Higginbotham(phigginb@idem.in.gov)'; 'Paul.Novak@epa.state.oh.us'; 'Sara Beard (sara.beard@ky.gov)'; 'Sean Ramach'; 'Steve Roush (sroush@idem.in.gov)'; 'Yogesh Patel (yogesh.p.patel@wv.gov)'  
**Cc:** Peter Tennant

**Subject:** ORSANCO NPDES Committee Call -- Wednesday, May 15 @ 10:30 eastern

To ORSANCO NPDES Committee:

The next call of the committee is scheduled for this Wednesday, May 15 at 10:30 (eastern). Call-in number is **Ex. 6 - Personal Privacy** The agenda for the call is as follows:

- 1) Status of development of mercury streamlined variance procedure – Paul Novak, OEPA
- 2) Review of the list of mercury discharges potentially needing variances – Jason heath, ORSANCO
- 3) Letter to discharges potentially needing variances (draft letter attached) – Paul Novak, OEPA
- 4) Permitting for criteria that apply at downstream water intakes – Eric Nygaard, OEPA
- 5) Update on USEPA’s effluent guidelines for coal-fired power plant – Ron Jordan, USEPA HQ

As always, please feel free to contact me should you have any questions. Thank you.

Jason Heath, P.E., BCEE

Technical Programs Manager & Assistant Chief Engineer

Ohio River Valley Water Sanitation Commission (ORSANCO)

5735 Kellogg Ave. Cincinnati OH 45230

513-231-7719 wk

**Ex. 6 - Personal Privacy** cell

**From:** Meiburg, Stan  
**Location:** 1200 Pennsylvania Ave, NW, William Jefferson Clinton North building,  
DCRoomARN3530CFTB/DC-Ariel-Rios-AO  
**Importance:** Normal  
**Subject:** Steam Electric ELG [Call In # 8662993188 / Code 5644711]  
**Start Date/Time:** Tue 4/28/2015 4:00:00 PM  
**End Date/Time:** Tue 4/28/2015 5:00:00 PM

SCt: Denise Anderson, 202-564-1782

Point of Contact for the Meeting: Dalal Anne Aboulhosn, Senior Washington  
Representative, Sierra Club, 202.675.6278, [Dalal.aboulhosn@sierraclub.org](mailto:Dalal.aboulhosn@sierraclub.org)

Call In # **Ex. 6 - Personal Privacy**

Purpose: To discuss the environmental communities position on the Steam Electric ELG Rule

Role of the Deputy Administrator: To hear concerns, comments and suggestions to the Steam Electric ELG Rule and to discuss once finalized how the rule can help protect communities and clean up widespread legacy pollution.

Background: The pollution limits for coal power plants are thirty years out of date and don't cover most of the poisons coal plants dump, so these plants have had a blank check to pollute for decades. As a result, coal toxins are accumulating in the fish we eat and harming our waterways.

Coal-fired power plants dump millions of pounds of dangerous pollution into our rivers, lakes, and streams every single year. Coal-fired power plants are the nation's biggest water polluters, spewing millions of pounds of toxic metals and other pollutants like arsenic, boron, cadmium, chromium, lead, mercury, and selenium into surface waters each year. Many of these toxic pollutants pose serious health and environmental risks even in very low concentrations.

EPA Staff (Required):

Stan Meiburg, Acting Deputy Administrator of EPA  
Ken Kopocis, Deputy Assistant Administrator of Office of Water  
Betsy Southerland, Rob Wood, Ron Jordan, Jan Matuszko (OW)  
Mary Ellen Levine (OGC)

EPA Staff (Optional):

Technical staff working on the rule

External Participants:

Chris Espinosa, Earthjustice  
Jennifer Peters, CWA  
Dalal Aboulhosn, Sierra Club  
Thomas Cmar, Earthjustice  
Navis Bermudez, SELC  
Larissa Liebmann, Waterkeepers  
Bridget Lee, Sierra Club  
Lisa Evans, Earthjustice

Abel Russ, EIP

**From:** Jordan, Ronald  
**Location:** DCRoomWest6231F/DC-CCW-OST  
**Importance:** Normal  
**Subject:** Steam electric ELGs ( **Ex. 6 - Personal Privacy** )  
**Start Date/Time:** Thur 5/22/2014 2:00:00 PM  
**End Date/Time:** Thur 5/22/2014 3:00:00 PM

**Phone number:** **Ex. 6 - Personal Privacy**  
**Conf code:** 2

**To:** Liz Stanton[eastanton@synapse-energy.com]  
**Cc:** Thomas Cmar (tcmar@earthjustice.org)[tcmar@earthjustice.org]; Jordan, Ronald[Jordan.Ronald@epa.gov]  
**From:** Covington, James  
**Sent:** Thur 8/29/2013 5:17:14 PM  
**Subject:** RE: Steam electric ELGs  
WA5-17 T6 Question Response 8-26-2013.docx

Hello Liz,

In order to make sure you understood what we did, I am providing you a written response to all your questions asked on the 13<sup>th</sup>.

If you have any additional questions, please do not hesitate to call.

Thank you.

**From:** Liz Stanton [mailto:eastanton@synapse-energy.com]  
**Sent:** Thursday, August 29, 2013 11:45 AM  
**To:** Covington, James  
**Cc:** Thomas Cmar (tcmar@earthjustice.org)  
**Subject:** RE: Steam electric ELGs

Hi James,

I'd like to follow up on my questions regarding VSLs from our August 13 phone call. At that time, someone on your end of the call (Elena?) had promised to send an answer regarding the way in which state-specific incomes were used to develop future VSLs, where the methodology is described in the docket, and any precedence for using this methodology in previous EPA rulemakings.

Can you please let me know when I can expect a response?

Thanks so much for your help with this,

Liz

Liz Stanton, PhD

Senior Economist

Synapse Energy Economics, Inc.

[eastanton@synapse-energy.com](mailto:eastanton@synapse-energy.com)

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485 Massachusetts Avenue, Suite 2

Cambridge MA 02139

Main: 617 661 3248 Fax: 617 661 0599

[www.synapse-energy.com](http://www.synapse-energy.com)

**From:** Covington, James [<mailto:Covington.James@epa.gov>]

**Sent:** Tuesday, August 13, 2013 1:38 PM

**To:** Thomas Cmar

**Cc:** Liz Stanton; Jennifer Duggan ([jduggan@environmentalintegrity.org](mailto:jduggan@environmentalintegrity.org)); Eric Schaeffer ([eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org)); Casey Roberts ([casey.roberts@sierraclub.org](mailto:casey.roberts@sierraclub.org))

**Subject:** RE: Steam electric ELGs

Hello Thomas,

You are correct, I am responsible for the BCA but the inputs into the BCA and RIA comes from the Tech or Engineering folks. The type of questions you are asking are more their area than



mine.

As I mentioned earlier, I have already forward your questions to the appropriate people but if you feel the need to send the information again, please feel free. His name is Ron Jordan.

Thank you

**From:** Thomas Cmar [<mailto:tcmar@earthjustice.org>]  
**Sent:** Tuesday, August 13, 2013 1:27 PM  
**To:** Covington, James  
**Cc:** Liz Stanton ([eastanton@synapse-energy.com](mailto:eastanton@synapse-energy.com)); Jennifer Duggan ([jduggan@environmentalintegrity.org](mailto:jduggan@environmentalintegrity.org)); Eric Schaeffer ([eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org)); Casey Roberts ([casey.roberts@sierraclub.org](mailto:casey.roberts@sierraclub.org))  
**Subject:** RE: Steam electric ELGs

Hi James,

I don't really see the below questions as engineering questions – they go to what inputs and assumptions were incorporated into the benefits side of the Benefit Cost Analysis. It had been my understanding that you were responsible for overseeing the preparation of the Benefit Cost Analysis for the proposed rule. Is my understanding incorrect?

If there is someone else at EPA to whom we should be directing these questions, I'm happy to do so – and I appreciate your offer to follow up on this.

Thanks,

Thom

**From:** Covington, James [<mailto:Covington.James@epa.gov>]  
**Sent:** Tuesday, August 13, 2013 12:18 PM  
**To:** Thomas Cmar  
**Cc:** Liz Stanton ([eastanton@synapse-energy.com](mailto:eastanton@synapse-energy.com)); Jennifer Duggan ([jduggan@environmentalintegrity.org](mailto:jduggan@environmentalintegrity.org)); Eric Schaeffer ([eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org)); Casey Roberts ([casey.roberts@sierraclub.org](mailto:casey.roberts@sierraclub.org))  
**Subject:** RE: Steam electric ELGs

Hello Thomas,

The questions you have presented are more of a Technical nature or Engineering. I am unable to respond or do not feel that I am the appropriate person to answer these questions.

Unfortunately, Ron is not in the office at the moment. I have forwarded him your questions and will talk with him to see if he would like to have a separate call.

Sorry and thanks.

**From:** Thomas Cmar [<mailto:tcmar@earthjustice.org>]  
**Sent:** Tuesday, August 13, 2013 1:06 PM  
**To:** Covington, James  
**Cc:** Liz Stanton ([eastanton@synapse-energy.com](mailto:eastanton@synapse-energy.com)); Jennifer Duggan ([jduggan@environmentalintegrity.org](mailto:jduggan@environmentalintegrity.org)); Eric Schaeffer ([eschaeffer@environmentalintegrity.org](mailto:eschaeffer@environmentalintegrity.org)); Casey Roberts ([casey.roberts@sierraclub.org](mailto:casey.roberts@sierraclub.org))  
**Subject:** RE: Steam electric ELGs

Hi James,

We look forward to speaking with you at 2:00 Eastern. I will be on the call today for Earthjustice, and I am CCing Jen Duggan and Eric Schaeffer from the Environmental Integrity Project, who will also be joining. Casey Roberts from Sierra Club (also CCed) is not able to join the call at

2:00 but may join us in midstream.

In addition to the questions that Liz sent to you this morning, we'd like to ask some questions about the benefits side of the BCA for this proposed rule. Here are the general questions that we have:

- 1) The data we have indicates that plants that have dry handling systems for FGD and ash recycle significantly more of both. Has EPA evaluated that? Wouldn't the economic benefit related to any increase in recycling of coal ash have to be factored into the switch to dry handling required under some of the regulatory options at issue? (Note: OSWER has already estimated those benefits.)
- 2) A number of large utilities have already made public announcements re: plans to phase out coal ash ponds. For example, TVA has announced that it will shut down all coal ash ponds by 2020. Some of these public statements are available, e.g., on public websites. Does the RIA subtract those voluntary commitments from its estimate of the costs of complying with the rule?
- 3) Similarly, some power plants may be required to adopt treatment technologies that are equal to or more stringent than those that will be required by the ELG in order to meet water quality-based permitting limits. Did EPA take into account the costs of plants that will be required to install new treatment as a result of other Clean Water Act requirements and subtract those costs from the costs of complying with the rule?
- 4) EPA has found that a significant number of power plants discharge pollutants into waters already designated as impaired for those same pollutants. Has the Agency evaluated any TMDLs that are in place (or other water quality-based permitting processes) to determine whether these provide estimates of the cost of reducing these discharges (a cost that other sources may bear)?
- 5) EPA has already said that the law requires that technology based standards must be established in each permit, based on "best professional judgment," where the Agency has not established effluent limitation guidelines for toxic pollutants. Some of the options under the rule would rely on BPJ rather than specify industry-wide limitations. Has EPA estimated the cost to state agencies of having to develop BPJ limits for hundreds of power plants (e.g., the cost in manpower, public hearings, permit-by-permit administrative litigation, etc.)?

6) Conversion to dry handling would stop the ongoing discharge of fly ash and scrubber sludge to ponds. OSWER has provided various estimates of the economic benefits of reducing loadings to ponds, which are already leaking into groundwater and pose the threat of future catastrophes like the Kingston spill. In estimating benefits to groundwater quality and from reduced impoundment failures in the proposed rule, did EPA use the same methodology here as OSWER did in estimating benefits from the CCR rule?

7) The contamination of both ground and surface water has forced states to require cleanup plans to reduce leaks, seeps, and ongoing discharges at a number of plants. Recent examples include the First Energy Bruce Mansfield cleanup, and the GenOn settlement in Maryland covering three plants. These agreements are adopted in consent decrees, and specify actions (e.g., the installation of liners, stepped up monitoring, engineering analyses) for which reasonable cost estimates are readily available. Presumably, the conversion to dry handling would minimize the frequency and scope of future cleanup actions. Have these avoided costs been estimated and monetized when calculating benefits?

8) Do EPA's assumptions about discharge loadings (which affect the estimated health costs) include seeps from surface impoundments or landfills?

9) With respect to surface water withdrawals, the BCA appears to only discuss the benefits of reduced impingement and entrainment. Many of the proposed regulatory options would result in less consumptive water use at power plants. Did EPA take into account any benefits of that reduced water use in its analysis?

Thanks – we look forward to speaking with you shortly.

Best,

Thom

**From:** Liz Stanton  
**Sent:** Tuesday, August 13, 2013 10:40 AM  
**To:** 'Covington, James'  
**Subject:** RE: Steam electric ELGs

Hi James,

Yes, we're still on for 2pm and some of the folks from Earthjustice will be joining the call.

My main questions are:

1. "EPA used historic state-specific median household income data from the U.S. Census Bureau's 2009 Community Population Survey (U.S. Census Bureau, 2010b) for the years 1984 to 2009, and applied a stepwise autoregressive forecasting method to estimate future annual state level median household income through 2040. For each year in the analysis, EPA adjusted the VSL to account for income growth projections and the mid-range income elasticity assumptions,"(BCA, p. 3-5).

a. Does this mean that in future years residents of different states are assigned different VSLs based on their state's median household income? If so, what previous EPA documents use this same methodologies? If not, please clarify the methodology used.

b. Did the EPA also adjust the VSL to account for current income disparity on the first year? That is to say, on year 1 of the EPA's analysis, are avoided deaths in Kentucky (median household income of \$39,856) worth less than avoided deaths in Maryland (median household income of \$68,876)? If, instead, a single VSL is used nationwide, why is it based on state-specific data instead of national data?

c. What is the role of income in EPA's determination of VSL? If there is variation in VSLs between different parts of the country included in the EPA analysis, would they recommend siting future effluent sources in low-income areas?

2. "Willingness to pay (WTP) to avoid morbidity or mortality is generally considered to be a comprehensive measure of the costs of health care, losses in income, and pain and suffering of affected individuals and their caregivers. For example, the value of a statistical life (VSL) (see Section 3.1.1) is based on estimates of a society's WTP to avoid the risk of premature mortality."(BCA, pp.2-3, 2-4) However, "On the other hand, the use of VSL to value an avoided cancer case may underestimate the benefits of reduced cancer risk, since it does not consider

the costs and other effects that usually precede premature mortality from cancer”(BCA, p.3-5).

a. Please explain this discrepancy. Is pain and suffering included or excluded from VSLs?

3. “[B]ecause public drinking water systems must treat water to reduce pollutant concentrations below maximum contaminant levels (MCLs) the proposed ELGs are not expected to generate significant benefits to the population served by public drinking water sources. Therefore, EPA’s analysis of benefits from improved groundwater quality focused only on households relying on private wells that draw water from the aquifers located in the vicinity of steam electric plants.”(BCA, p.6-1) However, according to a 2009 EPA report, “many [water] systems incurred significant violations of the Federal drinking water quality standards.” ( “Providing Safe Drinking Water in America.” *EPA, 2009. National Public Water Systems Compliance Report. EPA Document 305R11001.*)

a. How are the findings of EPA’s 2009 report reflected in EPA’s choice to exclude health benefits from drinking water in the BCA for ELGs?

4. The BCA’s Table 8-9 (Uncertainties in Analysis of Air Related Benefits) lists the uncertainty “Analysis included only premature mortality” as an overestimate. However, the note alongside this uncertainty clearly states the “quantified health benefits included in this analysis only represents a subset of the total potential health benefits” which suggests that this is an underestimation.

a. Is the “overestimate” label a typo? If not, please explain.

5. “Our review demonstrated that, in the case of bottom ash transport water, units less than or equal to 400 MW are more likely to incur compliance costs that are disproportionately higher per MW than those incurred by large units...EPA believes that companies may choose to shut down 400 MW and smaller units instead of making new investments to comply with proposed zero discharge bottom ash requirements. EPA is basing this belief on its review of units that facilities have announced will be retired or converted to non-coal based fuel sources. Of those units that plants have announced for retirement, and that also generate bottom ash transport water, over 90 percent are 400 MW or less.” (FR p.34470-34471)

a. Please explain or restate the final sentence of this quoted text in other words.

b. Is this the correct interpretation: Units <400 MW are already at a disproportionate risk of retirement and would, therefore, face a greater risk of being closed if required to perform dry handling of bottom ash transport water.

6. Does selenium or other metals identified in effluents have effects on cognitive abilities similar to lead and mercury? Given the focus on selenium in the description of pollutants in

effluent, how should it be valued?

7. Does mercury have any effects other than on fetal development? Does lead have effects after early childhood? How should such effects be included in the calculations?

8. On page 3-8 and 3-9, EPA outlines its calculation for the "Value of an IQ Point" (Table 3-3) and calculates the "discounted value of assumed reduction in expected lifetime earnings," (p. 3-8). EPA used U.S. Census Bureau data for 2009 lifetime earnings, adjusted lifetime earnings value based on IQ's effects on reduced earnings and subtracted reduced non-remedial (e.g. college) educational costs. Separately, EPA calculates the costs of specialized education for those with IQ's less than 70, stating, "Children whose PbB exceeds 20 m/dL are more likely to have IQs less than 70, which means that they would require compensatory education tailored to their specific needs," (p. 3-9). This raises at least three technical questions (leaving aside ethical concerns):

a. Do the calculations of earnings vs. IQ reflect lifetime differences in earnings? Is it possible that college costs are already included in such calculations, so that lifetime earnings effects are reported net of college costs? If so, isn't it double-counting to separately subtract these costs?

b. What standard of remedial costs and care does EPA assume for those impaired by lead or mercury? Do they include additional economic or non-economic costs imposed on family members? Would changes in the generosity of social standards for dealing with those who are impaired cause an automatic change in the "benefits" of effluent regulations?

c. Are the additional costs for students whose IQ's are above 70 but are still affected by lead exposure incorporated into the benefits calculation?

9. It appears that EPA is assuming that no new wet FGD systems will be installed. Is that correct?

Thanks!

Liz

**From:** Covington, James [<mailto:Covington.James@epa.gov>]  
**Sent:** Tuesday, August 13, 2013 10:28 AM  
**To:** Liz Stanton  
**Subject:** RE: Steam electric ELGs

Good Morning,

Are we still on for today at 2?

If so, did you have a chance to put together a list of questions?

-----Original Appointment-----

**From:** Liz Stanton [<mailto:eastanton@synapse-energy.com>]

**Sent:** Monday, August 12, 2013 10:26 AM

**To:** Liz Stanton; Covington, James; Thomas Cmar ([tcmar@earthjustice.org](mailto:tcmar@earthjustice.org)); Matthew Gerhart ([mgerhart@earthjustice.org](mailto:mgerhart@earthjustice.org)); Casey Roberts ([casey.roberts@sierraclub.org](mailto:casey.roberts@sierraclub.org)); Jennifer Duggan ([jduggan@environmentalintegrity.org](mailto:jduggan@environmentalintegrity.org)); Elena Besedin

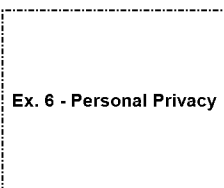
**Subject:** Steam electric ELGs

**When:** Tuesday, August 13, 2013 2:00 PM-3:30 PM (GMT-05:00) Eastern Time (US & Canada).

**Where:** phone call

Hi everyone,

Here's the call in:





**To:** Jordan, Ronald[Jordan.Ronald@epa.gov]  
**Cc:** Covington, James[Covington.James@epa.gov]; Jennifer Duggan (jduggan@environmentalintegrity.org)[jduggan@environmentalintegrity.org]; Casey Roberts (casey.roberts@sierraclub.org)[casey.roberts@sierraclub.org]; Matthew Gerhart[mgerhart@earthjustice.org]; Alicea, Jezebele[Alicea.Jezebele@epa.gov]; Matuszko, Jan[Matuszko.Jan@epa.gov]; Phyllis Fox[phyllisfox@gmail.com]; Liz Stanton (eastanton@synapse-energy.com)[eastanton@synapse-energy.com]  
**From:** Thomas Cmar  
**Sent:** Fri 8/16/2013 7:49:23 PM  
**Subject:** RE: questions re: benefits in BCA

Thanks for your email, Ron. After conferring on our end, the relevant folks on our side are all available on Monday, 8/26 at 2:00 Eastern. We'd like to have James Covington on the call so that we can discuss with both of you together our questions on the Benefit Cost Analysis that I sent you on Wednesday.

Would you like me to circulate a call-number for that date and time? Could we set said an hour and a half for the call? I could see it running longer than an hour.

Have a good weekend,

Thom

**From:** Jordan, Ronald [mailto:Jordan.Ronald@epa.gov]  
**Sent:** Friday, August 16, 2013 12:24 PM  
**To:** Thomas Cmar  
**Cc:** Covington, James; Jennifer Duggan (jduggan@environmentalintegrity.org); Casey Roberts (casey.roberts@sierraclub.org); Matthew Gerhart; Alicea, Jezebele; Matuszko, Jan  
**Subject:** RE: questions re: benefits in BCA

Thom,

It's been quite a challenge (insurmountable so far) to get schedules to align for a call, especially since you folks prefer to have the call at 2pm or later (Eastern). Do you think we'll need to have

James Covington on the call (benefits, econ analyses) – if so, I can offer Monday Aug 26 at 2pm. If not, we can go a few days earlier and talk next Friday (Aug 23) at 2pm.

Ron

**From:** Thomas Cmar [<mailto:tcmar@earthjustice.org>]  
**Sent:** Wednesday, August 14, 2013 9:36 AM  
**To:** Jordan, Ronald  
**Cc:** Covington, James; Jennifer Duggan ([jduggan@environmentalintegrity.org](mailto:jduggan@environmentalintegrity.org)); Casey Roberts ([casey.roberts@sierraclub.org](mailto:casey.roberts@sierraclub.org)); Matthew Gerhart  
**Subject:** questions re: benefits in BCA

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Please let us know if you would like to set up a call to discuss this further. In addition to the questions pasted below, we also have some questions relating to bottom ash water sampling and BAT cost estimates that we would like to ask with Phyllis Fox on the line.

Thank you for your help with this.

Best,

Thom

- 1) The data we have indicates that plants that have dry handling systems for FGD and ash recycle significantly more of both. Has EPA evaluated that? Wouldn't the economic benefit related to any increase in recycling of coal ash have to be factored into the switch to dry handling required under some of the regulatory options at issue? (Note: OSWER has already estimated those benefits.)
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- 3) Similarly, some power plants may be required to adopt treatment technologies that are equal to or more stringent than those that will be required by the ELG in order to meet water quality-based permitting limits. Did EPA take into account the costs of plants that will be required to install new treatment as a result of other Clean Water Act requirements and subtract those costs from the costs of complying with the rule?
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6) Conversion to dry handling would stop the ongoing discharge of fly ash and scrubber sludge to ponds. OSWER has provided various estimates of the economic benefits of reducing loadings to ponds, which are already leaking into groundwater and pose the threat of future catastrophes like the Kingston spill. In estimating benefits to groundwater quality and from reduced impoundment failures in the proposed rule, did EPA use the same methodology here as OSWER did in estimating benefits from the CCR rule?

7) The contamination of both ground and surface water has forced states to require cleanup plans to reduce leaks, seeps, and ongoing discharges at a number of plants. Recent examples include the First Energy Bruce Mansfield cleanup, and the GenOn settlement in Maryland covering three plants. These agreements are adopted in consent decrees, and specify actions (e.g., the installation of liners, stepped up monitoring, engineering analyses) for which reasonable cost estimates are readily available. Presumably, the conversion to dry handling would minimize the frequency and scope of future cleanup actions. Have these avoided costs been estimated and monetized when calculating benefits?

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9) With respect to surface water withdrawals, the BCA appears to only discuss the benefits of reduced impingement and entrainment. Many of the proposed regulatory options would result in less consumptive water use at power plants. Did EPA take into account any benefits of that reduced water use in its analysis?

10) In the Federal Register notice of the proposed rule, on pages 34,470 to 34,471, it states the following:

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Are we reading this correctly as EPA assuming that units <400 MW are already at a disproportionate risk of retirement and would, therefore, face a greater risk of being closed if required to perform dry handling of bottom ash transport water? Does EPA have any documentation of the basis for that assumption or of why it chose to draw the line at 400 MW?

11) Footnote 7 on page 2-5 of the Benefit Cost Analysis states “There may be market benefits associated with the decreased need for drinking water treatment, but EPA did not estimate these benefits as part of its analysis of the proposed rule.” Why not?

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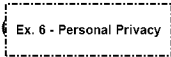
Thomas Cmar

Coal Program Attorney

Earthjustice

5042 N. Leavitt Street, Suite 1

Chicago, IL 60625

 (cell)

(212) 918-1556 (fax)

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**To:** Jordan, Ronald[Jordan.Ronald@epa.gov]  
**Cc:** Covington, James[Covington.James@epa.gov]; Jennifer Duggan (jduggan@environmentalintegrity.org)[jduggan@environmentalintegrity.org]; Casey Roberts (casey.roberts@sierraclub.org)[casey.roberts@sierraclub.org]; Matthew Gerhart[mgerhart@earthjustice.org]  
**From:** Thomas Cmar  
**Sent:** Wed 8/14/2013 1:36:09 PM  
**Subject:** questions re: benefits in BCA

Hi Ron,

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Thomas Cmar

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Ex. 6 - Personal Privacy (cell)

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\*please consider the environment before printing

**To:** Al.Keller@illinois.gov[Al.Keller@illinois.gov]; doleone@state.pa.us[doleone@state.pa.us]; Cruz, Francisco[Cruz.Francisco@epa.gov]; Jordan, Ronald[Jordan.Ronald@epa.gov]; jory.becker@ky.gov[jory.becker@ky.gov]; Shell, Karrie-Jo[Shell.Karrie-Jo@epa.gov]; kmilcic@state.pa.us[kmilcic@state.pa.us]; Paul Higginbotham(phigginb@idem.in.gov)[PHIGGINB@idem.in.gov]; Paul.Novak@epa.state.oh.us[Paul.Novak@epa.state.oh.us]; Sara Beard[sara.beard@ky.gov]; Ramach, Sean[Ramach.Sean@epa.gov]; sroush@idem.IN.gov[sroush@idem.IN.gov]; Yogesh Patel[yogesh.p.patel@wv.gov]  
**From:** Jason Heath  
**Sent:** Tue 4/29/2014 1:21:57 PM  
**Subject:** ORSANCO NPDES Subcommittee Call May 7, 10:30am

To ORSANCO NPDES Subcommittee:

Chairman Novak would like to schedule a call of the NPDES Subcommittee for next Wednesday, May 7, at 10:30am (eastern). The Call-in number is **Ex. 6 - Personal Privacy**  
**Ex. 6 - Personal Privacy** Understanding this is somewhat short notification, please let me know if you are unable to attend. Agenda for the call as follows:

- 1) Pollution Control Standards Committee position on development of streamlined mercury variance procedure.
- 2) Updated mercury discharge list.
- 3) Letters to discharges on extension of mixing zone prohibition for BCCs.
- 4) BPJ/BAT limits for discharges of FGD landfill leachate.
- 5) Procedures for permitting of TDS and ammonia that apply at downstream water supply intakes.
- 6) USEPA update on status of effluent guidelines for steam electric power plants.

Thank you

Jason Heath, P.E., BCEE

Technical Programs Manager & Assistant Chief Engineer

Ohio River Valley Water Sanitation Commission (ORSANCO)

5735 Kellogg Ave. Cincinnati OH 45230

513-231-7719 wk

Ex. 6 - Personal Privacy

ell

**To:** Al.Keller@illinois.gov[Al.Keller@illinois.gov]; doleone@state.pa.us[doleone@state.pa.us]; Cruz, Francisco[Cruz.Francisco@epa.gov]; Jordan, Ronald[Jordan.Ronald@epa.gov]; jory.becker@ky.gov[jory.becker@ky.gov]; Shell, Karrie-Jo[Shell.Karrie-Jo@epa.gov]; kmilcic@state.pa.us[kmilcic@state.pa.us]; Paul Higginbotham(phigginb@idem.in.gov)[PHIGGINB@idem.in.gov]; Paul.Novak@epa.state.oh.us[Paul.Novak@epa.state.oh.us]; Sara Beard[sara.beard@ky.gov]; Ramach, Sean[Ramach.Sean@epa.gov]; sroush@idem.IN.gov[sroush@idem.IN.gov]; Yogesh Patel[yogesh.p.patel@wv.gov]  
**Cc:** Peter Tennant[ptennant@orsanco.org]  
**From:** Jason Heath  
**Sent:** Mon 5/13/2013 8:42:15 PM  
**Subject:** ORSANCO NPDES Committee Call -- Wednesday, May 15 @ 10:30 eastern  
[ORSANCOMercuryVarianceLtr.doc](#)

To ORSANCO NPDES Committee:

The next call of the committee is scheduled for this Wednesday, May 15 at 10:30 (eastern). Call-in number is **Ex. 6 - Personal Privacy** The agenda for the call is as follows:

- 1) Status of development of mercury streamlined variance procedure – Paul Novak, OEPA
- 2) Review of the list of mercury discharges potentially needing variances – Jason heath, ORSANCO
- 3) Letter to discharges potentially needing variances (draft letter attached) – Paul Novak, OEPA
- 4) Permitting for criteria that apply at downstream water intakes – Eric Nygaard, OEPA
- 5) Update on USEPA’s effluent guidelines for coal-fired power plant – Ron Jordan, USEPA HQ

As always, please feel free to contact me should you have any questions. Thank you.

Jason Heath, P.E., BCEE

Technical Programs Manager & Assistant Chief Engineer

Ohio River Valley Water Sanitation Commission (ORSANCO)

5735 Kellogg Ave. Cincinnati OH 45230

513-231-7719 wk

Ex. 6 - Personal Privacy ell

**To:** Thomas Cmar[tcmarr@earthjustice.org]  
**Cc:** Covington, James[Covington.James@epa.gov]; Jennifer Duggan (jduggan@environmentalintegrity.org)[jduggan@environmentalintegrity.org]; Casey Roberts (casey.roberts@sierraclub.org)[casey.roberts@sierraclub.org]; Matthew Gerhart[mgerhart@earthjustice.org]; Alicea, Jezebele[Alicea.Jezebele@epa.gov]; Matuszko, Jan[Matuszko.Jan@epa.gov]  
**Bcc:** Thomas Finseth[Thomas.Finseth@erg.com]  
**From:** Jordan, Ronald  
**Sent:** Fri 8/16/2013 5:23:51 PM  
**Subject:** RE: questions re: benefits in BCA

Thom,

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**Sent:** Wednesday, August 14, 2013 9:36 AM  
**To:** Jordan, Ronald  
**Cc:** Covington, James; Jennifer Duggan (jduggan@environmentalintegrity.org); Casey Roberts (casey.roberts@sierraclub.org); Matthew Gerhart  
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**From:** Jordan, Ronald  
**Location:** DCRoomWest6231F/DC-CCW-OST  
**Importance:** Normal  
**Subject:** EPA call with Sierra Club -- Steam Electric ELGs  
**Start Date/Time:** Wed 7/24/2013 5:00:00 PM  
**End Date/Time:** Wed 7/24/2013 6:00:00 PM

When: Wednesday, July 24, 2013 1:00 PM-2:00 PM (GMT-05:00) Eastern Time (US & Canada).  
Where: DCRoomWest6231F/DC-CCW-OST

Note: The GMT offset above does not reflect daylight saving time adjustments.

\*~\*~\*~\*~\*~\*~\*~\*~\*~\*

Phone #:   
Conf code:

Ex. 6 - Personal Privacy

**To:** Thomas Cmar[tcmarr@earthjustice.org]  
**Cc:** Casey Roberts (casey.roberts@sierraclub.org)[casey.roberts@sierraclub.org]  
**From:** Jordan, Ronald  
**Sent:** Thur 8/22/2013 1:42:14 PM  
**Subject:** FW: questions re: benefits in BCA

Please don't forget to send call-in info for the Monday call. There will be several of us calling in from different locations.

**From:** Jordan, Ronald  
**Sent:** Friday, August 16, 2013 4:12 PM  
**To:** 'Thomas Cmar'  
**Cc:** Covington, James; Jennifer Duggan (jduggan@environmentalintegrity.org); Casey Roberts (casey.roberts@sierraclub.org); Matthew Gerhart; Alicea, Jezebele; Matuszko, Jan; Phyllis Fox; Liz Stanton (eastanton@synapse-energy.com)  
**Subject:** RE: questions re: benefits in BCA

We're ok with Monday, Aug 26 at 2:00-3:30. Please send the call-in info when you get a chance.

**From:** Thomas Cmar [mailto:tcmarr@earthjustice.org]  
**Sent:** Friday, August 16, 2013 3:49 PM  
**To:** Jordan, Ronald  
**Cc:** Covington, James; Jennifer Duggan (jduggan@environmentalintegrity.org); Casey Roberts (casey.roberts@sierraclub.org); Matthew Gerhart; Alicea, Jezebele; Matuszko, Jan; Phyllis Fox; Liz Stanton (eastanton@synapse-energy.com)  
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**To:** Thomas Cmar  
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Thomas Cmar

Coal Program Attorney



Earthjustice

5042 N. Leavitt Street, Suite 1

Chicago, IL 60625

Ex. 6 - Personal Privacy Cell)

(212) 918-1556 (fax)

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\*please consider the environment before printing

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**Cc:** Covington, James[Covington.James@epa.gov]; Matuszko, Jan[Matuszko.Jan@epa.gov]  
**Bcc:** Thomas Finseth[Thomas.Finseth@erg.com]  
**From:** Jordan, Ronald  
**Sent:** Mon 8/19/2013 12:32:23 PM  
**Subject:** topics for Aug 26 call

Thom & Casey –

I want to make sure I'm clear about the topics you want to discuss on the 26<sup>th</sup>. Do we still need to go over everything on the list of 11 questions below? Also, if you have bottom ash questions please forward those by Wednesday.

thanks

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**From:** Jordan, Ronald  
**Sent:** Fri 8/16/2013 8:11:47 PM  
**Subject:** RE: questions re: benefits in BCA

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**From:** Anderson, Denise  
**Location:** 1200 Pennsylvania Ave, NW, William Jefferson Clinton North building,  
DCRoomARN3530CFTB/DC-Ariel-Rios-AO  
**Importance:** Normal  
**Subject:** Steam Electric ELG [Call In #] **Ex. 6 - Personal Privacy**  
**Categories:** Red Category  
**Start Date/Time:** Tue 4/28/2015 4:00:00 PM  
**End Date/Time:** Tue 4/28/2015 5:00:00 PM

SCt: Denise Anderson, 202-564-1782

Point of Contact for the Meeting: Dalal Anne Aboulhosn, Senior Washington  
Representative, Sierra Club, 202.675.6278, [Dalal.aboulhosn@sierraclub.org](mailto:Dalal.aboulhosn@sierraclub.org)

Call In # **Ex. 6 - Personal Privacy**

**Purpose:** To discuss the environmental communities position on the Steam Electric ELG Rule

**Role of the Deputy Administrator:** To hear concerns, comments and suggestions to the Steam Electric ELG Rule and to discuss once finalized how the rule can help protect communities and clean up widespread legacy pollution.

**Background:** The pollution limits for coal power plants are thirty years out of date and don't cover most of the poisons coal plants dump, so these plants have had a blank check to pollute for decades. As a result, coal toxins are accumulating in the fish we eat and harming our waterways.

Coal-fired power plants dump millions of pounds of dangerous pollution into our rivers, lakes, and streams every single year. Coal-fired power plants are the nation's biggest water polluters, spewing millions of pounds of toxic metals and other pollutants like arsenic, boron, cadmium, chromium, lead, mercury, and selenium into surface waters each year. Many of these toxic pollutants pose serious health and environmental risks even in very low concentrations.

**EPA Staff (Required):**

Stan Meiburg, Acting Deputy Administrator of EPA  
Ken Kopocis, Deputy Assistant Administrator of Office of Water  
Betsy Southerland, Rob Wood, Ron Jordan, Jan Matuszko (OW)  
Mary Ellen Levine (OGC)

**EPA Staff (Optional):**

Technical staff working on the rule

**External Participants:**

Chris Espinosa, Earthjustice  
Jennifer Peters, CWA  
Dalal Aboulhosn, Sierra Club  
Thomas Cmar, Earthjustice  
Navis Bermudez, SELC  
Larissa Liebmann, Waterkeepers  
Bridget Lee, Sierra Club

Lisa Evans, Earthjustice  
Abel Russ, EIP

**To:** Bond, Brian[Bond.Brian@epa.gov]; Arvin Ganesan[Ex. 6 - Personal Privacy] Goo, Michael[Goo.Michael@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Rohan Patel[Rohan\_Patel@ceq.eop.gov]; Ealons, Dru[Ealons.Dru@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]  
**From:** John Coequyt  
**Sent:** Fri 7/26/2013 4:17:51 PM  
**Subject:** Re: Coverage recap for Coal Plant Water Pollution standards report release

Isn't this always how it works. These came in right after I hit send.

#### Local

- Creative Loafing Tampa (FL) - [Environmental groups advocate EPA limitation guidelines for toxins in our water supply](#)
- WLDS (IL) - [Polluted Illinois River a concern in new report](#)
- CI Proud (IL) - [Sierra Club Highlights Water Pollution Report](#)
- WFHB (IN) - [Unregulated Indiana Coal Mines Depositing Toxins into Waterways](#)
- Gaston Gazette (NC) - [Kennedy talks about the dangers of coal ash](#)
- Concord Monitor (NH) - [Letter: Unconscionable pollution](#)
- Star Democrat (MD) - [Study: Coal-fired power plant pollution threatens Bay](#)
- Examiner (MI) - [Detroit is already broke, does it have to be dirty too?](#)
- Mehlville-Oakville Patch (MO): [Sierra Club, Environmental Groups Stand for Stronger Laws Against Coal Waste Dumping](#)
- 90.5 WESA (PA) - [Clean Water Groups Advocate for Stronger EPA Coal Plant Regulations](#)
- Tulsa World (OK) - [Coal-fired plants damaging waterways, environmental groups say in report](#)
- The Oklahoman (OK) - [Sierra Club's critique of power plans designed to foster fear](#)
- WY Daily (VA) - [Report: Yorktown Power Station as Operating Near 'Impaired Waterway'](#)
- Wyoming Public Media (WY) - [Metal-laden discharges from coal plants poorly regulated](#)

#### National

- RenewablesBiz - [Environmental groups target coal ash](#)
- ENS Newswire - [White House Undercuts Coal Power Plant Water Pollution Rule](#)

- The Rural Blog - Environmentalists say some coal plants have no limits on dumping toxic waste into waterways
- Circle of Blue - The Stream, July 25: New report on coal plants exposes Michigan regulation
- Institute for Southern Studies - Why is the White House aiding and abetting lawbreaking by coal plants?
- Coal Guru - Major coal companies in US completely ignore the clean water act

On Fri, Jul 26, 2013 at 12:08 PM, John Coequyt <[john.coequyt@sierraclub.org](mailto:john.coequyt@sierraclub.org)> wrote:

Hi all,

The Sierra Club and our partners are working hard to create the same dynamic we had with the MATS rule for the ELG. The big launch of this effort was on the 23rd. We will continue to push a positive message around the need to protect waterbodies from toxic pollution. Let me know if you have any questions.

I wanted to provide an update on the first round of media coverage for our coal plant water pollution report release.

Mary Anne Hitt joined Bobby Kennedy and leaders from Earthjustice, EIP and Clean Water Action to host a telephone press conference for national and local reporters. Following the telepresser, we held an in-person press conference on the banks of the Catawba River in Charlotte NC then took reporters on a boat ride to see a coal ash seep from a Duke Energy coal plant. You can check out pictures from the event here and here.

So far, press response has been incredibly strong. At least three dozen reporters from around the country joined the national telepresser, and 12 reporters from Charlotte-area publications attended the in-person event, including every local TV news network. As of this afternoon, we've seen 65 news hits referencing the report, not including the nine radio interviews Mary Anne did this morning. Meanwhile, stories continue to come in as reporters digest the findings of the report and as organizers hold local report release events throughout the week.

Charlotte

- WSOC-TV (NC) - Report accuses Duke Energy of leaking pollutants into lakes (video)



- WCNC-TV (NC) - [Duke defends itself against pollution claims \(video\)](#)
- WBTV (NC) - [Foundation to address coal pollution in North Carolina waterway - \(video\)](#)
- The Charlotte Observer (NC) - [Environmental groups target coal ash for 'poisoning' waterways \(video\)](#)
- Charlotte Observer (NC) - [Robert F. Kennedy Jr. at Riverbend Tuesday](#)
- News 14 Carolina (NC) - [Study: Coal-fire energy plants largest source of toxic water in NC](#)
- The Charlotte Observer (NC) - [Environmental groups target coal ash for 'poisoning' waterways](#)
- The Charlotte Business Journal (NC) - [Coal plant pollution, including from Duke Energy, addressed in new environmental study](#)
- Talk about Charlotte (NC) - [Report accuses Duke Energy of leaking pollutants into lakes](#)
- Creative Loafing/the Clog (NC) - [Kennedy on coal ash: 'We are living in a science fiction nightmare'](#)
- Creative Loafing/the Clog (NC) - [A coal ash history lesson from the Queen of Coal Ash](#)

#### National / Trade

- Grist - [How the White House watered down rules on coal-plant water pollution](#)
- Huffington Post - [Protecting Our Water from Coal Pollution](#)
- Water Technology - [Report from environmental groups says coal-fired power plants are polluting rivers and lakes](#)
- Energy Central - [Report: Proposed EPA regulations for coal-fired power plants could reduce water pollutant](#)
- InsideEPA - [Environmentalists Threaten Suit Over Less-Strict Power Plant ELG Options](#)
- EcoWatch - [Breaking: Unlimited Arsenic and Other Poisons Dumped Daily Into U.S. Waters](#)
- DeSmog Blog - [Report Details Coal Industry's Pollution of Waterways, Political System](#)
- E&E News - [70% of coal-fired plants lack discharge limits for toxics -- report](#)
- Fierce Energy - [White House "caving to coal?"](#)

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- Alton Daily News (IL) - [Finger Pointed at Power Plants](#)
- Indiana Living Green (IN) - [Indiana power plants need stronger federal standards](#)
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- Indiana Public Media (IN) - [Sierra Club Calls For More Control On Coal Plant Emissions](#)
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#### Mary Anne Hitt radio tour

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- "All News 106.7" - WYAY-FM (Atlanta, GA)
- "Mindless Chatter with the Burger" - WYRQ-AM (Little Falls /Minneapolis, MN)
- "Liveline" - WESB-AM (Bradford, PA / Buffalo, NY)
- "The Brynn Project" - WCHE-AM (West Chester / Philadelphia, PA)
- "Community Radio" - KOPN-FM NPR Affiliate (Columbia, MO)
- Ozark Radio Network- KWPM - News, KUKU- Country, KKDY-Country KSPY (South Central Missouri and North Central Arkansas)
- "Kentucky Focus" - WHAS-AM (Louisville, KY)

--

John Coequyt  
Sierra Club  
C: (202) 669-7060  
O: (202) 675-7916

--

John Coequyt  
Sierra Club  
C: [ Ex. 6 - Personal Privacy ]  
O: (202) 675-7916

**To:** Bond, Brian[Bond.Brian@epa.gov]; Arvin Ganesan[[Ex. 6 - Personal Privacy](#)]; Goo, Michael[Goo.Michael@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Rohan Patel[Rohan\_Patel@ceq.eop.gov]; Ealons, Dru[Ealons.Dru@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]  
**From:** John Coequyt  
**Sent:** Fri 7/26/2013 4:08:11 PM  
**Subject:** Fwd: Coverage recap for Coal Plant Water Pollution standards report release

Hi all,

The Sierra Club and our partners are working hard to create the same dynamic we had with the MATS rule for the ELG. The big launch of this effort was on the 23rd. We will continue to push a positive message around the need to protect waterbodies from toxic pollution. Let me know if you have any questions.

I wanted to provide an update on the first round of media coverage for our [coal plant water pollution report release](#).

Mary Anne Hitt joined Bobby Kennedy and leaders from Earthjustice, EIP and Clean Water Action to host a telephone press conference for national and local reporters. Following the telepresser, we held an in-person press conference on the banks of the Catawba River in Charlotte NC then took reporters on a boat ride to see a coal ash seep from a Duke Energy coal plant. You can check out pictures from the event [here](#) and [here](#).

So far, press response has been incredibly strong. At least three dozen reporters from around the country joined the national telepresser, and 12 reporters from Charlotte-area publications attended the in-person event, including every local TV news network. As of this afternoon, we've seen 65 news hits referencing the report, not including the nine radio interviews Mary Anne did this morning. Meanwhile, stories continue to come in as reporters digest the findings of the report and as organizers hold local report release events throughout the week.

Charlotte

- WSOC-TV (NC) - [Report accuses Duke Energy of leaking pollutants into lakes](#) (video)
- WCNC-TV (NC) - [Duke defends itself against pollution claims](#) (video)
- WBTV (NC) - [Foundation to address coal pollution in North Carolina waterway](#) - (video)
- The Charlotte Observer (NC) - [Environmental groups target coal ash for 'poisoning' waterways](#) (video)
- Charlotte Observer (NC) - [Robert F. Kennedy Jr. at Riverbend Tuesday](#)
- News 14 Carolina (NC) - [Study: Coal-fire energy plants largest source of toxic water in NC](#)

- The Charlotte Observer (NC) - [Environmental groups target coal ash for 'poisoning' waterways](#)
- The Charlotte Business Journal (NC) - [Coal plant pollution, including from Duke Energy, addressed in new environmental study](#)
- Talk about Charlotte (NC) - [Report accuses Duke Energy of leaking pollutants into lakes](#)
- Creative Loafing/the Clog (NC) - [Kennedy on coal ash: 'We are living in a science fiction nightmare'](#)
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supply

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- "Mindless Chatter with the Burger" - WYRQ-AM (Little Falls / Minneapolis, MN)
- "Liveline" - WESB-AM (Bradford, PA / Buffalo, NY)
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- Ozark Radio Network- KWPM - News, KUKU- Country, KKDY-Country KSPY (South Central Missouri and North Central Arkansas)
- "Kentucky Focus" - WHAS-AM (Louisville, KY)

--

John Coequyt  
Sierra Club

C: Ex. 6 - Personal Privacy  
O: 12021875-7918



**From:** Meiburg, Stan  
**Location:** 1200 Pennsylvania Ave, NW, William Jefferson Clinton North building,  
DCRoomARN3530CFTB/DC-Ariel-Rios-AO  
**Importance:** Normal  
**Subject:** Steam Electric ELG [Call In # **Ex. 6 - Personal Privacy**]  
**Start Date/Time:** Tue 4/28/2015 4:00:00 PM  
**End Date/Time:** Tue 4/28/2015 5:00:00 PM

SCt: Denise Anderson, 202-564-1782

Point of Contact for the Meeting: Dalal Anne Aboulhosn, Senior Washington Representative, Sierra Club,  
202.675.6278, Dalal.aboulhosn@sierraclub.org<mailto:Dalal.aboulhosn@sierraclub.org>

Call In # **Ex. 6 - Personal Privacy**

Purpose: To discuss the environmental communities position on the Steam Electric ELG Rule

Role of the Deputy Administrator: To hear concerns, comments and suggestions to the Steam Electric ELG Rule and to discuss once finalized how the rule can help protect communities and clean up widespread legacy pollution.

Background: The pollution limits for coal power plants are thirty years out of date and don't cover most of the poisons coal plants dump, so these plants have had a blank check to pollute for decades. As a result, coal toxins are accumulating in the fish we eat and harming our waterways.

Coal-fired power plants dump millions of pounds of dangerous pollution into our rivers, lakes, and streams every single year. Coal-fired power plants are the nation's biggest water polluters, spewing millions of pounds of toxic metals and other pollutants like arsenic, boron, cadmium, chromium, lead, mercury, and selenium into surface waters each year. Many of these toxic pollutants pose serious health and environmental risks even in very low concentrations.

EPA Staff (Required):  
Stan Meiburg, Acting Deputy Administrator of EPA  
Ken Kopocis, Deputy Assistant Administrator of Office of Water  
Betsy Southerland, Rob Wood, Ron Jordan, Jan Matuszko (OW)  
Mary Ellen Levine (OGC)

EPA Staff (Optional):  
Technical staff working on the rule

External Participants:  
Chris Espinosa, Earthjustice  
Jennifer Peters, CWA  
Dalal Aboulhosn, Sierra Club  
Thomas Cmar, Earthjustice  
Navis Bermudez, SELC  
Larissa Liebmann, Waterkeepers  
Bridget Lee, Sierra Club  
Lisa Evans, Earthjustice  
Abel Russ, EIP

**To:** Thomas Cmar[tcmarm@earthjustice.org]; Levine, MaryEllen[levine.maryellen@epa.gov]  
**Cc:** Abigail Dillen[adillen@earthjustice.org]  
**From:** Hall, Jessica  
**Sent:** Tue 2/11/2014 10:45:43 PM  
**Subject:** RE: Steam Electric follow-up

Hi Thom,

Thank you for getting back to us. Our calendars are both free at 4:30 on Thursday, but we are expecting quite a bit of snow in DC on Wednesday evening into Thursday, and there is a good possibility that the government will not be open on Thursday. Would it be possible to chat tomorrow, Wednesday, at either noon or 3pm Eastern, instead?

Jessica

---

**From:** Thomas Cmar <tcmarm@earthjustice.org>  
**Sent:** Tuesday, February 11, 2014 5:30 PM  
**To:** Hall, Jessica; Levine, MaryEllen  
**Cc:** Abigail Dillen  
**Subject:** Steam Electric follow-up

Dear Jessica and Mary Ellen:

Abbie and I would like to talk with you about some follow-up questions we have after discussing our meeting last Friday with our clients and co-counsel. Would you happen to be available on Thursday at 4:30 to talk with us? If not, please let us know if there are other times on Wednesday, Thursday, or Friday that work for you, and we can try to find a time that works for a call.

Thanks in advance,

Thom

---

Thomas Cmar

Staff Attorney

Earthjustice

5042 N. Leavitt Street, Suite 1

Chicago, IL 60625

Ex. 6 - Personal Privacy cell)

(212) 918-1556 (fax)

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**To:** Abigail Dillen[adillen@earthjustice.org]; Hall, Jessica[Hall.Jessica@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]  
**From:** Thomas Cmar  
**Sent:** Wed 2/12/2014 3:00:03 AM  
**Subject:** RE: Steam Electric follow-up

I could talk at 10:00 tomorrow as well. We can use my call-in number:

Ex. 6 - Personal Privacy

Thanks --

Thom

-----Original Message-----

From: Abigail Dillen  
Sent: Tuesday, February 11, 2014 5:33 PM  
To: Hall, Jessica; Thomas Cmar; Levine, MaryEllen  
Subject: RE: Steam Electric follow-up

I could do 10

---

From: Hall, Jessica [Hall.Jessica@epa.gov]  
Sent: Tuesday, February 11, 2014 6:04 PM  
To: Thomas Cmar; Levine, MaryEllen  
Cc: Abigail Dillen  
Subject: RE: Steam Electric follow-up

It looks like Mary Ellen and I would be free any time before 10:30am Eastern tomorrow, if that works for you and Abbie. If not, we can go with your plan for Thursday at 4:30, with a back up plan of Friday.

Jessica

---

From: Thomas Cmar <tcmar@earthjustice.org>  
Sent: Tuesday, February 11, 2014 5:56 PM  
To: Hall, Jessica; Levine, MaryEllen  
Cc: Abigail Dillen  
Subject: RE: Steam Electric follow-up

Unfortunately, I'll be on a plane to DC at those times tomorrow afternoon - where I may very well be stranded on Thursday due to the snow! I may be able to squeeze in a call tomorrow morning, pending Abbie's availability. But if that doesn't work, perhaps we could plan to talk at 4:30 on Thursday, if the government is open, with Friday as a backup if it's not?

Thanks,

Thom

---

From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]  
Sent: Tuesday, February 11, 2014 4:46 PM

To: Thomas Cmar; Levine, MaryEllen  
Cc: Abigail Dillen  
Subject: RE: Steam Electric follow-up

Hi Thom,

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Thomas Cmar  
Staff Attorney  
Earthjustice  
5042 N. Leavitt Street, Suite 1  
Chicago, IL 60625  
(Ex. 6 - Personal Privacy) (cell)  
(212) 918-1556 (fax)

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**To:** Hall, Jessica[Hall.Jessica@epa.gov]; Thomas Cmar[tcmr@earthjustice.org]; Levine, MaryEllen[levine.maryellen@epa.gov]  
**From:** Abigail Dillen  
**Sent:** Tue 2/11/2014 11:32:34 PM  
**Subject:** RE: Steam Electric follow-up

I could do 10

---

From: Hall, Jessica [Hall.Jessica@epa.gov]  
Sent: Tuesday, February 11, 2014 6:04 PM  
To: Thomas Cmar; Levine, MaryEllen  
Cc: Abigail Dillen  
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**Cc:** Abigail Dillen[adillen@earthjustice.org]  
**From:** Thomas Cmar  
**Sent:** Tue 2/11/2014 10:56:14 PM  
**Subject:** RE: Steam Electric follow-up

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**From:** Hall, Jessica  
**Sent:** Wed 2/12/2014 11:51:17 AM  
**Subject:** RE: Steam Electric follow-up

Great, thanks, we'll talk to you then.

---

From: Thomas Cmar <tcmarm@earthjustice.org>  
Sent: Tuesday, February 11, 2014 10:00 PM  
To: Abigail Dillen; Hall, Jessica; Levine, MaryEllen  
Subject: RE: Steam Electric follow-up

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Thanks --

Thom

-----Original Message-----

From: Abigail Dillen  
Sent: Tuesday, February 11, 2014 5:33 PM  
To: Hall, Jessica; Thomas Cmar; Levine, MaryEllen  
Subject: RE: Steam Electric follow-up

I could do 10

---

From: Hall, Jessica [Hall.Jessica@epa.gov]  
Sent: Tuesday, February 11, 2014 6:04 PM  
To: Thomas Cmar; Levine, MaryEllen  
Cc: Abigail Dillen  
Subject: RE: Steam Electric follow-up

It looks like Mary Ellen and I would be free any time before 10:30am Eastern tomorrow, if that works for you and Abbie. If not, we can go with your plan for Thursday at 4:30, with a back up plan of Friday.

Jessica

---

From: Thomas Cmar <tcmarm@earthjustice.org>  
Sent: Tuesday, February 11, 2014 5:56 PM  
To: Hall, Jessica; Levine, MaryEllen  
Cc: Abigail Dillen  
Subject: RE: Steam Electric follow-up

Unfortunately, I'll be on a plane to DC at those times tomorrow afternoon - where I may very well be stranded on Thursday due to the snow! I may be able to squeeze in a call tomorrow morning, pending Abbie's availability. But if that doesn't work, perhaps we could plan to talk at 4:30 on Thursday, if the government is open, with Friday as a backup if it's not?

Thanks,

Thom

From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]  
Sent: Tuesday, February 11, 2014 4:46 PM  
To: Thomas Cmar; Levine, MaryEllen  
Cc: Abigail Dillen  
Subject: RE: Steam Electric follow-up

Hi Thom,

Thank you for getting back to us. Our calendars are both free at 4:30 on Thursday, but we are expecting quite a bit of snow in DC on Wednesday evening into Thursday, and there is a good possibility that the government will not be open on Thursday. Would it be possible to chat tomorrow, Wednesday, at either noon or 3pm Eastern, instead?

Jessica

---

From: Thomas Cmar <tcmar@earthjustice.org<mailto:tcmar@earthjustice.org>>  
Sent: Tuesday, February 11, 2014 5:30 PM  
To: Hall, Jessica; Levine, MaryEllen  
Cc: Abigail Dillen  
Subject: Steam Electric follow-up

Dear Jessica and Mary Ellen:

Abbie and I would like to talk with you about some follow-up questions we have after discussing our meeting last Friday with our clients and co-counsel. Would you happen to be available on Thursday at 4:30 to talk with us? If not, please let us know if there are other times on Wednesday, Thursday, or Friday that work for you, and we can try to find a time that works for a call.

Thanks in advance,

Thom

---

Thomas Cmar  
Staff Attorney  
Earthjustice  
5042 N. Leavitt Street, Suite 1  
Chicago, IL 60625  
Ex. 6 - Personal Privacy (cell)  
(212) 918-1556 (fax)

The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

\*please consider the environment before printing

**To:** Thomas Cmar[tcmar@earthjustice.org]; Levine, MaryEllen[levine.maryellen@epa.gov]  
**Cc:** Abigail Dillen[adillen@earthjustice.org]  
**From:** Hall, Jessica  
**Sent:** Tue 2/11/2014 11:04:31 PM  
**Subject:** RE: Steam Electric follow-up

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5042 N. Leavitt Street, Suite 1

Chicago, IL 60625

Ex. 6 - Personal Privacy (ell)

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\*please consider the environment before printing



**To:** Hall, Jessica[Hall.Jessica@epa.gov]; Levine, MaryEllen[levine.maryellen@epa.gov]  
**Cc:** Abigail Dillen[adillen@earthjustice.org]  
**From:** Thomas Cmar  
**Sent:** Tue 2/11/2014 10:30:36 PM  
**Subject:** Steam Electric follow-up

Dear Jessica and Mary Ellen:

Abbie and I would like to talk with you about some follow-up questions we have after discussing our meeting last Friday with our clients and co-counsel. Would you happen to be available on Thursday at 4:30 to talk with us? If not, please let us know if there are other times on Wednesday, Thursday, or Friday that work for you, and we can try to find a time that works for a call.

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Thom

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Thomas Cmar

Staff Attorney

Earthjustice

5042 N. Leavitt Street, Suite 1

Chicago, IL 60625

Ex. 6 - Personal Privacy (cell)

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\*please consider the environment before printing

**From:** Meiburg, Stan  
**Location:** 1200 Pennsylvania Ave, NW, William Jefferson Clinton North building,  
DCRoomARN3530CFTB/DC-Ariel-Rios-AO  
**Importance:** Normal  
**Subject:** FW: Steam Electric ELG [Call In # **Ex. 6 - Personal Privacy**]  
**Start Date/Time:** Tue 4/28/2015 4:00:00 PM  
**End Date/Time:** Tue 4/28/2015 5:00:00 PM

-----Original Appointment-----

**From:** Meiburg, Stan  
**Sent:** Monday, April 27, 2015 10:26 AM  
**To:** Meiburg, Stan; Dalal Aboulhosn; Kopocis, Ken; Klasen, Matthew; Beauvais, Joel; Barron, Alex; Nickerson, William; Southerland, Elizabeth; Wood, Robert; Levine, MaryEllen; Jordan, Ronald; Matuszko, Jan  
**Cc:** Penman, Crystal; Poole, Jacqueline  
**Subject:** Steam Electric ELG [Call In # **Ex. 6 - Personal Privacy**]  
**When:** Tuesday, April 28, 2015 12:00 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** 1200 Pennsylvania Ave, NW, William Jefferson Clinton North building,  
DCRoomARN3530CFTB/DC-Ariel-Rios-AO

SCt: Denise Anderson, 202-564-1782

Point of Contact for the Meeting: Dalal Anne Aboulhosn, Senior Washington Representative, Sierra Club, 202.675.6278, [Dalal.aboulhosn@sierraclub.org](mailto:Dalal.aboulhosn@sierraclub.org)

Call In # **Ex. 6 - Personal Privacy**

**Purpose:** To discuss the environmental communities position on the Steam Electric ELG Rule

**Role of the Deputy Administrator:** To hear concerns, comments and suggestions to the Steam Electric ELG Rule and to discuss once finalized how the rule can help protect communities and clean up widespread legacy pollution.

**Background:** The pollution limits for coal power plants are thirty years out of date and don't cover most of the poisons coal plants dump, so these plants have had a blank check to pollute for decades. As a result, coal toxins are accumulating in the fish we eat and harming our waterways.

Coal-fired power plants dump millions of pounds of dangerous pollution into our rivers, lakes, and streams every single year. Coal-fired power plants are the nation's biggest water polluters, spewing millions of pounds of toxic metals and other pollutants like arsenic, boron, cadmium, chromium, lead, mercury, and selenium into surface waters each year. Many of these toxic pollutants pose serious health and environmental risks even in very low concentrations.

**EPA Staff (Required):**  
Stan Meiburg, Acting Deputy Administrator of EPA

Ken Kopocis, Deputy Assistant Administrator of Office of Water  
Betsy Southerland, Rob Wood, Ron Jordan, Jan Matuszko (OW)  
Mary Ellen Levine (OGC)

EPA Staff (Optional):  
Technical staff working on the rule

External Participants:  
Chris Espinosa, Earthjustice  
Jennifer Peters, CWA  
Dalal Aboulhosn, Sierra Club  
Thomas Cmar, Earthjustice  
Navis Bermudez, SELC  
Larissa Liebmann, Waterkeepers  
Bridget Lee, Sierra Club  
Lisa Evans, Earthjustice  
Abel Russ, EIP

**To:** Thomas Cmar[tcmarr@earthjustice.org]  
**Cc:** pat.gallagher@sierraclub.org[pat.gallagher@sierraclub.org]; Hall, Jessica[Hall.Jessica@epa.gov]; Bruce Nilles[bruce.nilles@sierraclub.org]; Casey Roberts[Casey.Roberts@sierraclub.org]; Abigail Dillen[adillen@earthjustice.org]  
**From:** Hostetler, Eric (ENRD)  
**Sent:** Mon 4/7/2014 1:19:07 PM  
**Subject:** RE: ELG extension  
ENV DEFENSE-#677295-v1-Steam Electric FINAL DRAFT STIPULATION.DOC

Tom,

Attached is a clean version of the stipulation that incorporates your suggested revision. We have made two additional minor edits – my phone number has been corrected and we replaced “final rule” with “final action” in a couple of the whereas clauses. Please have Tom send me an executed signature page, and we will plan to file this afternoon.

Thanks,

Eric

Eric Hostetler

Environment & Natural Resources Division

Environmental Defense Section

United States Department of Justice

P.O Box 7611

Washington, DC 20004

(202) 305-2326

**From:** Thomas Cmar [mailto:tcmarr@earthjustice.org]  
**Sent:** Friday, April 04, 2014 6:20 PM  
**To:** Abigail Dillen; Hostetler, Eric (ENRD)  
**Cc:** Pat Gallagher; Hall, Jessica; Bruce Nilles; Casey Roberts

**Subject:** RE: ELG extension

Sorry, we made a slight modification to this revision – please refer to the attached new version instead. Apologies for the multiple emails.

**From:** Thomas Cmar  
**Sent:** Friday, April 04, 2014 4:46 PM  
**To:** Abigail Dillen; Hostetler, Eric (ENRD)  
**Cc:** Pat Gallagher; Hall, Jessica; Bruce Nilles; Casey Roberts  
**Subject:** RE: ELG extension

Here is a proposed revision, in track changes.

**From:** Abigail Dillen  
**Sent:** Friday, April 04, 2014 4:39 PM  
**To:** Hostetler, Eric (ENRD)  
**Cc:** Pat Gallagher; Hall, Jessica; Bruce Nilles; Casey Roberts; Thomas Cmar  
**Subject:** Re: ELG extension

Thanks, Eric. I really appreciate your quick work on all of this.

In reviewing this draft and the new language, I see there is one more conforming change we need to make to the CD which is change the reference to EPA in the last sentence of Paragraph 5 to "the Parties."

Thom will send that change for your review. We can change the notice provision to apply to the Parties rather than just EPA as well.

Sent from my iPhone

On Apr 4, 2014, at 5:11 PM, "Hostetler, Eric (ENRD)" <[Eric.Hostetler@usdoj.gov](mailto:Eric.Hostetler@usdoj.gov)> wrote:

Thanks Pat.

I have attached a revised draft stipulation with the two additional clauses included (substituting "Plaintiffs" for "Sierra Club").

Eric

**From:** Pat Gallagher [<mailto:pat.gallagher@sierraclub.org>]  
**Sent:** Friday, April 04, 2014 5:02 PM  
**To:** Hostetler, Eric (ENRD)  
**Cc:** Hall, Jessica; Abigail Dillen; Bruce Nilles; Casey Roberts  
**Subject:** Re: ELG extension

Eric - Let's proceed with the fix you propose. Thanks again.

Pat

On Fri, Apr 4, 2014 at 12:37 PM, Hostetler, Eric (ENRD) <[Eric.Hostetler@usdoj.gov](mailto:Eric.Hostetler@usdoj.gov)> wrote:

Pat,

I think your concept can be acceptably encapsulated within the stipulation by adding the following two new whereas clauses:

Whereas, Sierra Club consents to the extension of time, with the understanding that EPA does not plan to seek further extensions of the final rule deadline beyond September 30, 2015, and with the understanding that EPA has separately committed in the case of Appalachian Voices et al v. McCarthy, Case No. 1:12-cv-00523, to sign, by December 19, 2014, for publication in the Federal Register a notice taking final action regarding EPA's proposed revision of RCRA subtitle D regulations pertaining to coal combustion residuals;

Whereas, Sierra Club reserves the right to request a more expedited deadline than September 30, 2015, in the event that EPA does not sign, by December 19, 2014, for publication in the Federal Register a notice taking final action regarding EPA's proposed revision of RCRA subtitle D regulations pertaining to coal combustion residuals;

Please advise if this language is acceptable.

Eric

**From:** Pat Gallagher [mailto:[pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org)]  
**Sent:** Friday, April 04, 2014 3:07 PM  
**To:** Hall, Jessica  
**Cc:** Hostetler, Eric (ENRD); Abigail Dillen; Bruce Nilles; Casey Roberts  
**Subject:** Re: ELG extension

All - here is stand alone language that we believe reflects the substance of our negotiations with EPA management. Thank you for considering this request.

"Sierra Club consents to the extension of time, provided that EPA makes significant progress in resolving the threat that coal combustion residuals pose to our nations waters. In this regard, Sierra Club reserves the right to reopen the agreement for an extension of the ELG rule in January 2015, should EPA fail to issue a Resource Conservation and Recovery Act rule governing coal ash by December 2014, that makes substantial progress in resolving the threat of coal ash impoundments to our nation's waters."



On Fri, Apr 4, 2014 at 11:30 AM, Hall, Jessica <[Hall.Jessica@epa.gov](mailto:Hall.Jessica@epa.gov)> wrote:

We can use DOJ's number:

## Ex. 6 - Personal Privacy

Thanks.

**From:** Pat Gallagher [mailto:[pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org)]  
**Sent:** Friday, April 04, 2014 2:26 PM  
**To:** Hostetler, Eric (ENRD)  
**Cc:** Hall, Jessica; Abigail Dillen; Bruce Nilles; Casey Roberts  
**Subject:** Re: ELG extension

We have critical mass on our side - what # shall we use ?

On Fri, Apr 4, 2014 at 11:19 AM, Hostetler, Eric (ENRD) <[Eric.Hostetler@usdoj.gov](mailto:Eric.Hostetler@usdoj.gov)> wrote:

I am available now as well

**From:** Hall, Jessica [mailto:[Hall.Jessica@epa.gov](mailto:Hall.Jessica@epa.gov)]  
**Sent:** Friday, April 04, 2014 2:17 PM  
**To:** [pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org)  
**Cc:** Abigail Dillen; Hostetler, Eric (ENRD); Bruce Nilles; Casey Roberts  
**Subject:** RE: ELG extension

I am available now. Not sure of Eric's availability.

**From:** Pat Gallagher [mailto:[pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org)]  
**Sent:** Friday, April 04, 2014 2:15 PM

**To:** Hall, Jessica  
**Cc:** Abigail Dillen; Eric Hostetler (ENRD); Bruce Nilles; Casey Roberts  
**Subject:** Re: ELG extension

Jessica - Abbie is tied up but perhaps the Club's in-house team, including Bruce Nilles and Casey Roberts (both cc'ed here)

can talk earlier. What times are available ?

Pat

On Fri, Apr 4, 2014 at 11:12 AM, Hall, Jessica <[Hall.Jessica@epa.gov](mailto:Hall.Jessica@epa.gov)> wrote:

I have to leave today at 3pm for an appointment with an orthopedic surgeon. Any chance you can talk before then?

-----Original Message-----

From: Abigail Dillen [<mailto:adillen@earthjustice.org>]

Sent: Friday, April 04, 2014 2:11 PM

To: Eric Hostetler (ENRD); Hall, Jessica

Cc: [pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org)

Subject: ELG extension

Eric and Jessica,

It has come to my attention that there may be one additional element to the agreement between our respective clients that needs to be reflected in the stip and agreement on CD modification. Are you available to discuss at 5 ET?

Abbie

Sent from my iPhone

--

Pat Gallagher

Legal Director

Sierra Club

85 Second Street

San Francisco, CA 94105

(415) 977-5709

(415) 977-5793

pat.gallagher@sierraclub.org

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pat.gallagher@sierraclub.org

<ENV\_DEFENSE-#676981-v3-  
Steam\_Electric\_\_April\_\_2014\_Stipulated\_Extension.DOC>

**To:** Thomas Cmar[tcmar@earthjustice.org]  
**Cc:** Abigail Dillen[adillen@earthjustice.org]  
**From:** Hall, Jessica  
**Sent:** Fri 4/4/2014 6:35:03 PM  
**Subject:** FW: ELG extension

Thom, FYI, the number is below.

**From:** Hall, Jessica  
**Sent:** Friday, April 04, 2014 2:30 PM  
**To:** 'Pat Gallagher'; Hostetler, Eric (ENRD)  
**Cc:** Abigail Dillen; Bruce Nilles; Casey Roberts  
**Subject:** RE: ELG extension

We can use DOJ's number:

**Ex. 6 - Personal Privacy**

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## Ex. 6 - Personal Privacy

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Sent: Friday, April 04, 2014 2:11 PM  
To: Eric Hostetler (ENRD); Hall, Jessica  
Cc: [pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org)  
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Sent from my iPhone

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Legal Director

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San Francisco, CA 94105

(415) 977-5709

(415) 977-5793

pat.gallagher@sierraclub.org

**To:** Thomas Cmar[tcmarmar@earthjustice.org]  
**Cc:** Abigail Dillen[adillen@earthjustice.org]  
**From:** Hall, Jessica  
**Sent:** Fri 3/14/2014 4:16:06 PM  
**Subject:** RE: Checking in

Thom and Abbie, I just wanted to give you a heads up that in addition to me and Mary Ellen, we're going to have Ron, Jan, and Rob from the program office, as well as Eric from DOJ, joining the today's 1pm call.

Talk to you soon,  
Jessica

-----Original Message-----

From: Thomas Cmar [mailto:tcmarmar@earthjustice.org]  
Sent: Wednesday, March 12, 2014 1:25 PM  
To: Hall, Jessica  
Cc: Abigail Dillen  
Subject: RE: Checking in

Thanks, Jessica -- talk to you then

-----Original Message-----

From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]  
Sent: Wednesday, March 12, 2014 12:21 PM  
To: Thomas Cmar  
Cc: Abigail Dillen  
Subject: RE: Checking in

Thom and Abbie,

For Friday's 1pm call, please use the following call-in number and code:

**Ex. 6 - Personal Privacy**

Thanks,  
Jessica

-----Original Message-----

From: Thomas Cmar [mailto:tcmarmar@earthjustice.org]  
Sent: Tuesday, March 11, 2014 6:45 PM  
To: Hall, Jessica  
Cc: Abigail Dillen  
Subject: Re: Checking in

Yes, that works for us -- thanks. Will it be you and Mary Ellen in the line?

Sent from my iPhone

> On Mar 11, 2014, at 5:29 PM, "Hall, Jessica" <Hall.Jessica@epa.gov> wrote:

>

> Great, and thanks so much in light of the short notice. Can we plan to talk at 1pm Eastern? I will send you a call-in number.

>

> Jessica

> \_\_\_\_\_

> From: Thomas Cmar <tcmar@earthjustice.org>  
> Sent: Tuesday, March 11, 2014 4:32 PM  
> To: Hall, Jessica; Abigail Dillen  
> Subject: RE: Checking in  
>  
> Hi Jessica,  
>  
> Abbie and I are both available between 11:30 and 2:00 on Friday. Is there a time in that window that works for you?  
>  
> Thanks,  
>  
> Thom  
>  
>  
> -----Original Message-----  
> From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]  
> Sent: Tuesday, March 11, 2014 3:13 PM  
> To: Abigail Dillen  
> Cc: Thomas Cmar  
> Subject: RE: Checking in  
>  
> Hi Abbie and Thom,  
>  
> I understand Abbie had a conversation with Avi this week about steam electric. We would like to talk to you again at the staff level. Is there any chance you might be available for another call on steam electric later this week -- Thursday or Friday?  
>  
> Jessica  
>  
> -----Original Message-----  
> From: Abigail Dillen [mailto:adillen@earthjustice.org]  
> Sent: Wednesday, March 05, 2014 2:20 PM  
> To: Hall, Jessica  
> Cc: Thomas Cmar  
> Subject: Checking in  
>  
> Hi Jessica,  
>  
> Just checking to ensure that we haven't dropped a ball following our last conversation. Josh Stebbins is willing to have the conversation you mentioned with Avi and me and/or Trip.  
>  
> Abbie  
>  
> Sent from my iPhone

**To:** Thomas Cmar[tcmr@earthjustice.org]  
**Cc:** Abigail Dillen[adillen@earthjustice.org]  
**From:** Hall, Jessica  
**Sent:** Wed 3/12/2014 5:21:08 PM  
**Subject:** RE: Checking in

Thom and Abbie,

For Friday's 1pm call, please use the following call-in number and code:

**Ex. 6 - Personal Privacy**

Thanks,  
Jessica

-----Original Message-----

From: Thomas Cmar [mailto:tcmr@earthjustice.org]  
Sent: Tuesday, March 11, 2014 6:45 PM  
To: Hall, Jessica  
Cc: Abigail Dillen  
Subject: Re: Checking in

Yes, that works for us -- thanks. Will it be you and Mary Ellen in the line?

Sent from my iPhone

> On Mar 11, 2014, at 5:29 PM, "Hall, Jessica" <Hall.Jessica@epa.gov> wrote:  
>  
> Great, and thanks so much in light of the short notice. Can we plan to talk at 1pm Eastern? I will send you a call-in number.  
>  
> Jessica  
>  
> \_\_\_\_\_  
> From: Thomas Cmar <tcmr@earthjustice.org>  
> Sent: Tuesday, March 11, 2014 4:32 PM  
> To: Hall, Jessica; Abigail Dillen  
> Subject: RE: Checking in  
>  
> Hi Jessica,  
>  
> Abbie and I are both available between 11:30 and 2:00 on Friday. Is there a time in that window that works for you?  
>  
> Thanks,  
>  
> Thom  
>  
>  
> -----Original Message-----  
> From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]  
> Sent: Tuesday, March 11, 2014 3:13 PM  
> To: Abigail Dillen  
> Cc: Thomas Cmar  
> Subject: RE: Checking in  
>  
> Hi Abbie and Thom,

>  
> I understand Abbie had a conversation with Avi this week about steam electric. We would like to talk to you again at the staff level. Is there any chance you might be available for another call on steam electric later this week -- Thursday or Friday?  
>  
> Jessica  
>  
> -----Original Message-----  
> From: Abigail Dillen [mailto:adillen@earthjustice.org]  
> Sent: Wednesday, March 05, 2014 2:20 PM  
> To: Hall, Jessica  
> Cc: Thomas Cmar  
> Subject: Checking in  
>  
> Hi Jessica,  
>  
> Just checking to ensure that we haven't dropped a ball following our last conversation. Josh Stebbins is willing to have the conversation you mentioned with Avi and me and/or Trip.  
>  
> Abbie  
>  
> Sent from my iPhone

**To:** Hall, Jessica[Hall.Jessica@epa.gov]; Abigail Dillen[adillen@earthjustice.org]; Thomas Cmar[tcmr@earthjustice.org]; Eric Schaeffer[eschaeffer@environmentalintegrity.org]; Jennifer Duggan[jduggan@environmentalintegrity.org]; larchibald@environmentalintegrity.org[larchibald@environmentalintegrity.org]; Matthew Gerhart[mgerhart@earthjustice.org]  
**Cc:** Casey Roberts (casey.roberts@sierraclub.org)[casey.roberts@sierraclub.org]; Abel Russ (aruss@environmentalintegrity.org)[aruss@environmentalintegrity.org]  
**From:** Hall, Jessica  
**Sent:** Fri 1/31/2014 9:36:42 PM  
**Subject:** RE: Steam Electric

Please note, we'll be talking at 9AM, not 9:30. My mistake, Thanks, Thom.

-----Original Message-----

From: Hall, Jessica  
Sent: Friday, January 31, 2014 3:56 PM  
To: 'Abigail Dillen'; Thomas Cmar; Eric Schaeffer; Jennifer Duggan; larchibald@environmentalintegrity.org; Matthew Gerhart  
Cc: Casey Roberts (casey.roberts@sierraclub.org); Abel Russ (aruss@environmentalintegrity.org)  
Subject: RE: Steam Electric

All,

Thanks for your responses. Below is the call-in information for our phone call next Friday, February 7, at 9:30AM.

Phone Number  
Conference Code

Ex. 6 - Personal Privacy

Have a great weekend.

Jessica Hall

Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Mail Code 2355A, Washington, DC 20460 Tel. (202) 564-3376 | hall.jessica@epa.gov

-----Original Message-----

From: Abigail Dillen [mailto:adillen@earthjustice.org]  
Sent: Tuesday, January 28, 2014 11:19 AM  
To: Thomas Cmar; Hall, Jessica; Eric Schaeffer; Jennifer Duggan; larchibald@environmentalintegrity.org; Matthew Gerhart  
Cc: Casey Roberts (casey.roberts@sierraclub.org); Abel Russ (aruss@environmentalintegrity.org)  
Subject: RE: Steam Electric

That's fine with me as well.

Abigail Dillen  
Vice President of Litigation, Climate and Energy  
48 Wall Street, 19th Floor  
New York, NY 10005  
T: 212.845.7378



F: 212.918.1556  
earthjustice.org

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-----Original Message-----

From: Thomas Cmar  
Sent: Tuesday, January 28, 2014 11:17 AM  
To: Hall, Jessica; Abigail Dillen; Eric Schaeffer; Jennifer Duggan; larchibald@environmentalintegrity.org; Matthew Gerhart  
Cc: Casey Roberts (casey.roberts@sierraclub.org); Abel Russ (aruss@environmentalintegrity.org)  
Subject: RE: Steam Electric

Thanks, Jessica. I am available then. Casey Roberts from Sierra Club (CCed on this email) is also available to join at that time.

-----Original Message-----

From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]  
Sent: Monday, January 27, 2014 1:35 PM  
To: Abigail Dillen; Eric Schaeffer; Jennifer Duggan; larchibald@environmentalintegrity.org; Thomas Cmar; Matthew Gerhart  
Subject: RE: Steam Electric

Hi All,

I think I've heard back from everyone, and it looks a call on Friday, February 7, from 9 - 10:30AM EST works. Could I ask each of you to confirm that that date/time does indeed work for your schedules? I will send additional information about the call once I hear back. Many thanks for your willingness to accommodate our request.

Best,

Jessica Hall

Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Mail Code 2355A, Washington, DC 20460 Tel. (202) 564-3376 |  
hall.jessica@epa.gov

**To:** Abigail Dillen[adillen@earthjustice.org]; Thomas Cmar[tcmar@earthjustice.org]; Eric Schaeffer[eschaeffer@environmentalintegrity.org]; Jennifer Duggan[jduggan@environmentalintegrity.org]; larchibald@environmentalintegrity.org[larchibald@environmentalintegrity.org]; Matthew Gerhart[mgerhart@earthjustice.org]  
**Cc:** Casey Roberts (casey.roberts@sierraclub.org)[casey.roberts@sierraclub.org]; Abel Russ (aruss@environmentalintegrity.org)[aruss@environmentalintegrity.org]  
**From:** Hall, Jessica  
**Sent:** Fri 1/31/2014 8:55:43 PM  
**Subject:** RE: Steam Electric

All,

Thanks for your responses. Below is the call-in information for our phone call next Friday, February 7, at 9:30AM.

Phone Number: [REDACTED]  
Conference Code: [REDACTED] Ex. 6 - Personal Privacy

Have a great weekend.

Jessica Hall

Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Mail Code 2355A, Washington, DC 20460  
Tel. (202) 564-3376 | hall.jessica@epa.gov

-----Original Message-----

From: Abigail Dillen [mailto:adillen@earthjustice.org]  
Sent: Tuesday, January 28, 2014 11:19 AM  
To: Thomas Cmar; Hall, Jessica; Eric Schaeffer; Jennifer Duggan; larchibald@environmentalintegrity.org; Matthew Gerhart  
Cc: Casey Roberts (casey.roberts@sierraclub.org); Abel Russ (aruss@environmentalintegrity.org)  
Subject: RE: Steam Electric

That's fine with me as well.

Abigail Dillen  
Vice President of Litigation, Climate and Energy  
48 Wall Street, 19th Floor  
New York, NY 10005  
T: 212.845.7378  
F: 212.918.1556  
earthjustice.org

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---

-----Original Message-----

From: Thomas Cmar

Sent: Tuesday, January 28, 2014 11:17 AM

To: Hall, Jessica; Abigail Dillen; Eric Schaeffer; Jennifer Duggan; larchibald@environmentalintegrity.org; Matthew Gerhart

Cc: Casey Roberts (casey.roberts@sierraclub.org); Abel Russ (aruss@environmentalintegrity.org)

Subject: RE: Steam Electric

Thanks, Jessica. I am available then. Casey Roberts from Sierra Club (CCed on this email) is also available to join at that time.

-----Original Message-----

From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]

Sent: Monday, January 27, 2014 1:35 PM

To: Abigail Dillen; Eric Schaeffer; Jennifer Duggan; larchibald@environmentalintegrity.org; Thomas Cmar; Matthew Gerhart

Subject: RE: Steam Electric

Hi All,

I think I've heard back from everyone, and it looks a call on Friday, February 7, from 9 - 10:30AM EST works. Could I ask each of you to confirm that that date/time does indeed work for your schedules? I will send additional information about the call once I hear back. Many thanks for your willingness to accommodate our request.

Best,

Jessica Hall

Office of General Counsel

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW, Mail Code 2355A, Washington, DC 20460 Tel. (202) 564-3376 | hall.jessica@epa.gov

**To:** Abigail Dillen[adillen@earthjustice.org]  
**From:** Hall, Jessica  
**Sent:** Tue 12/10/2013 12:56:23 PM  
**Subject:** RE: ELG CD Deadline

Abbie, that would work for me, I appreciate you finding some time to talk. Government offices are closed today due to a winter storm that just arrived, so I will be working from home. Could you call my cell phone: Ex. 6 - Personal Privacy Many thanks,  
Jessica

---

From: Abigail Dillen <adillen@earthjustice.org>  
Sent: Tuesday, December 10, 2013 1:33 AM  
To: Hall, Jessica  
Subject: Re: ELG CD Deadline

I have a break tomorrow from 1:15 to 1:45 ET -- I'll try you then?

Sent from my iPhone

> On Dec 9, 2013, at 2:53 PM, "Hall, Jessica" <Hall.Jessica@epa.gov> wrote:

>

> Hi Abbie,

>

> Looks like we missed each other again today. I'm not sure of your schedule tomorrow, but I can be available for a call anytime before Noon, between 1-3pm, or between 4-5pm Eastern time. I hope one of those time slots might work for you.

>

> Best,

>

> Jessica Hall

>

> Office of General Counsel

> U.S. Environmental Protection Agency

> 1200 Pennsylvania Avenue, NW, Mail Code 2355A, Washington, DC 20460

> Tel. (202) 564-3376 | hall.jessica@epa.gov

>

>

>

> -----Original Message-----

> From: Abigail Dillen [mailto:adillen@earthjustice.org]

> Sent: Friday, December 06, 2013 7:47 PM

> To: Hall, Jessica

> Subject: RE: ELG CD Deadline

>

> OK great.

>

---

> From: Hall, Jessica [Hall.Jessica@epa.gov]

> Sent: Friday, December 06, 2013 7:02 PM

> To: Abigail Dillen

> Subject: RE: ELG CD Deadline

>

> I understand, no problem. I should be at my desk for most of the day, the only thing I have to get away for is a meeting from 1-3pm EST.

>

---

> From: Abigail Dillen <adillen@earthjustice.org>

> Sent: Friday, December 06, 2013 5:45 PM

> To: Hall, Jessica  
> Subject: Re: ELG CD Deadline  
>  
> Yes, sorry about that. Friday snuck up on me in an over scheduled week. I am in meetings in CA on Monday but can try you on a break if you can let me know what open windows you may have.  
>  
> Sent from my iPhone  
>  
> On Dec 6, 2013, at 5:28 PM, "Hall, Jessica" <Hall.Jessica@epa.gov<mailto:Hall.Jessica@epa.gov>> wrote:  
>  
> Abbie,  
>  
> I'm sorry we didn't connect today. Perhaps we can touch base on Monday; just let me know what works for you. Have a great weekend.  
>  
> Jessica Hall  
>  
> Office of General Counsel  
> U.S. Environmental Protection Agency  
> 1200 Pennsylvania Avenue, NW, Mail Code 2355A, Washington, DC 20460 Tel. (202) 564-3376 | hall.jessica@epa.gov<mailto:goss.heather@epa.gov>  
>  
>  
>  
> From: Abigail Dillen [mailto:adillen@earthjustice.org]  
> Sent: Friday, December 06, 2013 11:58 AM  
> To: Hall, Jessica; Levine, MaryEllen  
> Subject: ELG CD Deadline  
>  
> Hi Jessica and MaryEllen,  
>  
> Any chance you guys could talk at 1:30 today?  
>  
>  
> Abigail Dillen  
> Vice President of Litigation, Climate and Energy  
> 48 Wall Street, 19th Floor  
> New York, NY 10005  
> T: 212.845.7378  
> F: 212.918.1556  
> earthjustice.org<http://www.earthjustice.org/>  
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>  
>  
> \_\_\_\_\_  
>

**To:** Jennifer Duggan[jduggan@environmentalintegrity.org]  
**From:** Hall, Jessica  
**Sent:** Mon 11/4/2013 1:50:34 PM  
**Subject:** RE: Meeting Re Steam Electric ELGs

Hi Jen,

So far, we know at least the following people from EPA plan to attend our November 21 meeting:

Rob Wood  
Jan Matuszko  
Ron Jordan  
James Covington  
Mary Ellen Levine  
Jessica Hall

Also, for anyone who needs to participate by phone, here is a call-in number:

**Ex. 6 - Personal Privacy**

Best,

Jessica Hall

Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Mail Code 2355A, Washington, DC 20460  
Tel. (202) 564-3376 | hall.jessica@epa.gov

-----Original Message-----

From: Jennifer Duggan [mailto:jduggan@environmentalintegrity.org]  
Sent: Friday, November 01, 2013 10:34 AM  
To: Hall, Jessica  
Subject: RE: Meeting Re Steam Electric ELGs

Great. At this point, the following people will attend in-person:

Me  
Eric Schaeffer (EIP)  
Abbie Dillen (Earthjustice)  
Lisa Evans (Earthjustice)  
Thom Cmar (Earthjustice)  
Josh Stebbins (Sierra Club)  
Dalal Aboulhosn (Sierra Club)

Casey Roberts (Sierra Club) will call-in.

I will let you know if that changes.

Would you please let me know who will attend from EPA?

Thanks!

Best,

Jen

-----Original Message-----

From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]  
Sent: Friday, November 01, 2013 9:10 AM  
To: Jennifer Duggan  
Subject: RE: Meeting Re Steam Electric ELGs

Sounds good, I'll circulate a call-in number as soon as I can. Thanks, Jen.

-----Original Message-----

From: Jennifer Duggan [mailto:jduggan@environmentalintegrity.org]  
Sent: Thursday, October 31, 2013 8:20 PM  
To: Hall, Jessica  
Subject: RE: Meeting Re Steam Electric ELGs

Hi Jessica,

Let's confirm 11:30 on Nov. 21. Thanks!

Best,

Jen

-----Original Message-----

From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]  
Sent: Wednesday, October 30, 2013 5:12 PM  
To: Jennifer Duggan  
Subject: RE: Meeting Re Steam Electric ELGs

Hi Jen,

November 21 works best for us, followed by November 12. November 11 is a federal holiday, so that date does not work. We can plan on meeting at noon, that's no problem. Just confirm which date works best for you, and we'll hold it on our calendars. We can also provide you with a call-in number in case not everyone can participate in person.

Thanks,  
Jessica

-----Original Message-----

From: Jennifer Duggan [mailto:jduggan@environmentalintegrity.org]  
Sent: Wednesday, October 30, 2013 10:01 AM  
To: Hall, Jessica  
Subject: RE: Meeting Re Steam Electric ELGs

Here are a few other options that most people can make though I don't think every single person can attend in person:

11/7: 12-2  
11/11: 12-2  
11/12: 12-2  
11/21: 12-2

If possible, this timeslot is best so folks have time to fly/train in in the morning and fly/train out in the afternoon. On some days, we might be able to do a little earlier or a little later.

Best,

Jen

-----Original Message-----

From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]

Sent: Tuesday, October 29, 2013 9:15 PM

To: Jennifer Duggan

Subject: RE: Meeting Re Steam Electric ELGs

Hi Jen,

Thanks so much for getting back to me. Ron is out of town at a conference from Nov. 17 through Nov. 20. Is there possibly another date outside that window that might work?

Jessica

---

From: Jennifer Duggan [jduggan@environmentalintegrity.org]

Sent: Tuesday, October 29, 2013 5:21 PM

To: Hall, Jessica

Subject: Meeting Re Steam Electric ELGs

Hi Jessica,

Does Nov 19 between 10-12:00 work for your folks?

Best,

Jen



**To:** Jennifer Duggan[jduggan@environmentalintegrity.org]; Abigail Dillen[adillen@earthjustice.org]  
**From:** Hall, Jessica  
**Sent:** Sat 4/20/2013 3:33:42 AM  
**Subject:** RE: Conference Call Number **Ex. 6 - Personal Privacy** for 4 pm

Jen and Abbie,

The Notice of Proposed Rulemaking for revisions to the Steam Electric ELGs was just signed. A pre-publication of the Notice should be published tonight or early tomorrow morning on our website. Let me know if you have any difficulty accessing it.

Best,  
Jessica

-----Original Message-----

From: Jennifer Duggan [mailto:jduggan@environmentalintegrity.org]  
Sent: Friday, April 19, 2013 10:48 PM  
To: Hall, Jessica  
Subject: Re: Conference Call Number **Ex. 6 - Personal Privacy** for 4 pm

Hi Jessica,

No need to call tonight. I will look for the proposal online tomorrow morning. Good luck wrapping things up, and have a good weekend.

Best,

Jen

On Apr 19, 2013, at 2:54 PM, "Hall, Jessica" <Hall.Jessica@epa.gov<mailto:Hall.Jessica@epa.gov>> wrote:

Jennifer and Abbie,

Here is a number you can use for our 4pm call on steam electric. Please pass it on to Craig.

Speak with you soon,

Jessica Hall

Water Law Office  
U.S. Environmental Protection Agency  
202-564-3376

**To:** Jennifer Duggan[jduggan@environmentalintegrity.org]  
**From:** Hall, Jessica  
**Sent:** Sat 4/20/2013 2:49:49 AM  
**Subject:** RE: Conference Call Number **Ex. 6 - Personal Privacy** for 4 pm

Hi Jennifer,

I was just about to email you, I'm sorry it's so late. The Administrator will likely be signing in the next half hour or so. I will email you when that's complete.

Best,  
Jessica

-----Original Message-----

From: Jennifer Duggan [mailto:jduggan@environmentalintegrity.org]  
Sent: Friday, April 19, 2013 10:48 PM  
To: Hall, Jessica  
Subject: Re: Conference Call Number **Ex. 6 - Personal Privacy** for 4 pm

Hi Jessica,

No need to call tonight. I will look for the proposal online tomorrow morning. Good luck wrapping things up, and have a good weekend.

Best,

Jen

On Apr 19, 2013, at 2:54 PM, "Hall, Jessica" <Hall.Jessica@epa.gov<mailto:Hall.Jessica@epa.gov>> wrote:

Jennifer and Abbie,

Here is a number you can use for our 4pm call on steam electric. Please pass it on to Craig.

Speak with you soon,

Jessica Hall

Water Law Office  
U.S. Environmental Protection Agency  
202-564-3376

**To:** Jennifer Duggan[jduggan@environmentalintegrity.org]; Abigail Dillen[adillen@earthjustice.org]  
**From:** Hall, Jessica  
**Sent:** Fri 4/19/2013 6:56:22 PM  
**Subject:** FW: Conference Call Number [redacted] or 4 pm

**Ex. 6 - Personal Privacy**

Jennifer and Abbie,

Here is a number you can use for our 4pm call on steam electric. Please pass it on to Craig.

Speak with you soon,

Jessica Hall

Water Law Office

U.S. Environmental Protection Agency

202-564-3376

**To:** 'Eric.Hostetler@usdoj.gov'[Eric.Hostetler@usdoj.gov]; Hall, Jessica[Hall.Jessica@epa.gov]  
**Cc:** Thomas Cmar[tcmarm@earthjustice.org]; Abigail Dillen[adillen@earthjustice.org]  
**From:** Timothy Ballo  
**Sent:** Mon 4/7/2014 2:23:21 PM  
**Subject:** RE: ELG extension  
ELG Ext 14-04-07 TB sign pg.pdf

Eric,

I'm attaching a scan of the page with my signature for Plaintiffs. Thanks.

-Tim

**From:** "Hostetler, Eric (ENRD)" <Eric.Hostetler@usdoj.gov>  
**Date:** April 7, 2014 at 8:19:07 AM CDT  
**To:** Thomas Cmar <tcmarm@earthjustice.org>  
**Cc:** Pat Gallagher <pat.gallagher@sierraclub.org>, "Hall, Jessica" <Hall.Jessica@epa.gov>, Bruce Nilles <bruce.nilles@sierraclub.org>, Casey Roberts <Casey.Roberts@sierraclub.org>, Abigail Dillen <adillen@earthjustice.org>  
**Subject:** RE: ELG extension

Tom,

Attached is a clean version of the stipulation that incorporates your suggested revision. We have made two additional minor edits – my phone number has been corrected and we replaced “final rule” with “final action” in a couple of the whereas clauses. Please have Tom send me an executed signature page, and we will plan to file this afternoon.

Thanks,

Eric

Eric Hostetler

Environment & Natural Resources Division

Environmental Defense Section

United States Department of Justice

P.O Box 7611

Washington, DC 20004

(202) 305-2326

**From:** Thomas Cmar [<mailto:tcmar@earthjustice.org>]  
**Sent:** Friday, April 04, 2014 6:20 PM  
**To:** Abigail Dillen; Hostetler, Eric (ENRD)  
**Cc:** Pat Gallagher; Hall, Jessica; Bruce Nilles; Casey Roberts  
**Subject:** RE: ELG extension

Sorry, we made a slight modification to this revision – please refer to the attached new version instead. Apologies for the multiple emails.

**From:** Thomas Cmar  
**Sent:** Friday, April 04, 2014 4:46 PM  
**To:** Abigail Dillen; Hostetler, Eric (ENRD)  
**Cc:** Pat Gallagher; Hall, Jessica; Bruce Nilles; Casey Roberts  
**Subject:** RE: ELG extension

Here is a proposed revision, in track changes.

**From:** Abigail Dillen  
**Sent:** Friday, April 04, 2014 4:39 PM  
**To:** Hostetler, Eric (ENRD)  
**Cc:** Pat Gallagher; Hall, Jessica; Bruce Nilles; Casey Roberts; Thomas Cmar  
**Subject:** Re: ELG extension

Thanks, Eric. I really appreciate your quick work on all of this.

In reviewing this draft and the new language, I see there is one more conforming change we need to make to the CD which is change the reference to EPA in the last sentence of Paragraph 5 to "the Parties."

Thom will send that change for your review. We can change the notice provision to apply to the Parties rather than just EPA as well.

Sent from my iPhone

On Apr 4, 2014, at 5:11 PM, "Hostetler, Eric (ENRD)" <[Eric.Hostetler@usdoj.gov](mailto:Eric.Hostetler@usdoj.gov)> wrote:

Thanks Pat.

I have attached a revised draft stipulation with the two additional clauses included (substituting "Plaintiffs" for "Sierra Club").

Eric

**From:** Pat Gallagher [<mailto:pat.gallagher@sierraclub.org>]  
**Sent:** Friday, April 04, 2014 5:02 PM  
**To:** Hostetler, Eric (ENRD)  
**Cc:** Hall, Jessica; Abigail Dillen; Bruce Nilles; Casey Roberts  
**Subject:** Re: ELG extension

Eric - Let's proceed with the fix you propose. Thanks again.

Pat

On Fri, Apr 4, 2014 at 12:37 PM, Hostetler, Eric (ENRD) <[Eric.Hostetler@usdoj.gov](mailto:Eric.Hostetler@usdoj.gov)> wrote:

Pat,

I think your concept can be acceptably encapsulated within the stipulation by adding the following two new whereas clauses:

Whereas, Sierra Club consents to the extension of time, with the understanding that EPA does not plan to seek further extensions of the final rule deadline beyond September 30, 2015, and with the understanding that EPA has separately committed in the case of Appalachian Voices et al v. McCarthy, Case No. 1:12-cv-00523, to sign, by December 19, 2014, for publication in the Federal Register a notice taking final action regarding EPA's proposed revision of RCRA subtitle D regulations pertaining to coal combustion residuals;

Whereas, Sierra Club reserves the right to request a more expedited deadline than September 30, 2015, in the event that EPA does not sign, by December 19, 2014, for publication in the Federal Register a notice taking final action regarding EPA's proposed revision of RCRA subtitle D regulations pertaining to coal combustion residuals;

Please advise if this language is acceptable.

Eric

**From:** Pat Gallagher [mailto:[pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org)]  
**Sent:** Friday, April 04, 2014 3:07 PM  
**To:** Hall, Jessica  
**Cc:** Hostetler, Eric (ENRD); Abigail Dillen; Bruce Nilles; Casey Roberts  
**Subject:** Re: ELG extension

All - here is stand alone language that we believe reflects the substance of our negotiations with EPA management. Thank you for considering this request.

"Sierra Club consents to the extension of time, provided that EPA makes significant progress in resolving the threat that coal combustion residuals pose to our nations waters. In this regard, Sierra Club reserves the right to reopen the agreement for an extension of the ELG rule in January 2015, should EPA fail to issue a Resource Conservation and Recovery Act rule governing coal ash by December 2014, that makes substantial progress in resolving the threat of coal ash impoundments to our nation's waters."

On Fri, Apr 4, 2014 at 11:30 AM, Hall, Jessica <[Hall.Jessica@epa.gov](mailto:Hall.Jessica@epa.gov)> wrote:

We can use DOJ's number:

## **Ex. 6 - Personal Privacy**

Thanks.

**From:** Pat Gallagher [mailto:[pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org)]  
**Sent:** Friday, April 04, 2014 2:26 PM  
**To:** Hostetler, Eric (ENRD)  
**Cc:** Hall, Jessica; Abigail Dillen; Bruce Nilles; Casey Roberts  
**Subject:** Re: ELG extension

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I am available now as well

**From:** Hall, Jessica [<mailto:Hall.Jessica@epa.gov>]  
**Sent:** Friday, April 04, 2014 2:17 PM  
**To:** [pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org)  
**Cc:** Abigail Dillen; Hostetler, Eric (ENRD); Bruce Nilles; Casey Roberts  
**Subject:** RE: ELG extension

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**From:** Pat Gallagher [<mailto:pat.gallagher@sierraclub.org>]  
**Sent:** Friday, April 04, 2014 2:15 PM  
**To:** Hall, Jessica  
**Cc:** Abigail Dillen; Eric Hostetler (ENRD); Bruce Nilles; Casey Roberts  
**Subject:** Re: ELG extension

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can talk earlier. What times are available ?

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Any chance you can talk before then?

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**Sent:** Friday, April 04, 2014 2:11 PM  
**To:** Eric Hostetler (ENRD); Hall, Jessica

Cc: [pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org)  
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Eric and Jessica,

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Abbie

Sent from my iPhone

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Pat Gallagher

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<ENV\_DEFENSE-#676981-v3-  
Steam\_Electric\_\_April\_\_2014\_Stipulated\_Extension.DOC>

**To:** Hostetler, Eric (ENRD)[Eric.Hostetler@usdoj.gov]  
**Cc:** Hall, Jessica[Hall.Jessica@epa.gov]  
**From:** Thomas Cmar  
**Sent:** Mon 4/7/2014 2:17:54 PM  
**Subject:** Re: ELG extension

We have final sign-off from Defenders. Tim Ballo should be sending you his signature shortly.

Sent from my iPhone

> On Apr 7, 2014, at 9:12 AM, "Hostetler, Eric (ENRD)" <Eric.Hostetler@usdoj.gov> wrote:  
>  
> Thanks Tom. Note we as well need to get final sign-off from our management, but hope to have that by this afternoon.  
>  
> Eric  
>  
> -----Original Message-----  
> From: Thomas Cmar [mailto:tcmar@earthjustice.org]  
> Sent: Monday, April 07, 2014 9:47 AM  
> To: Hostetler, Eric (ENRD)  
> Cc: Pat Gallagher; Hall, Jessica; Bruce Nilles; Casey Roberts; Abigail Dillen  
> Subject: Re: ELG extension  
>  
> Thanks, Eric. We have received this and just need to get final sign-off from our other client (Defenders). We should be back in touch shortly.  
>  
> Sent from my iPhone  
>  
> On Apr 7, 2014, at 8:19 AM, "Hostetler, Eric (ENRD)"  
<Eric.Hostetler@usdoj.gov<mailto:Eric.Hostetler@usdoj.gov>> wrote:  
>  
> Tom,  
>  
> Attached is a clean version of the stipulation that incorporates your suggested revision. We have made two additional minor edits – my phone number has been corrected and we replaced “final rule” with “final action” in a couple of the whereas clauses. Please have Tom send me an executed signature page, and we will plan to file this afternoon.  
>  
> Thanks,  
>  
> Eric  
>  
> Eric Hostetler  
> Environment & Natural Resources Division  
> Environmental Defense Section  
> United States Department of Justice  
> P.O Box 7611  
> Washington, DC 20004  
> (202) 305-2326  
>  
>  
> From: Thomas Cmar [mailto:tcmar@earthjustice.org]  
> Sent: Friday, April 04, 2014 6:20 PM  
> To: Abigail Dillen; Hostetler, Eric (ENRD)  
> Cc: Pat Gallagher; Hall, Jessica; Bruce Nilles; Casey Roberts

> Subject: RE: ELG extension  
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> Please advise if this language is acceptable.  
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> Eric  
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> All - here is stand alone language that we believe reflects the substance of our negotiations with EPA management. Thank you for considering this request.  
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>  
> 

**Ex. 6 - Personal Privacy**

  
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>

> Sent from my iPhone

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> <ENV\_DEFENSE-#676981-v3-Steam\_Electric\_\_April\_\_2014\_Stipulated\_Extension.DOC>  
> <ENV\_DEFENSE-#677295-v1-Steam\_Electric\_\_FINAL\_DRAFT\_STIPULATION.DOC>

**To:** Abigail Dillen[adillen@earthjustice.org]; Hostetler, Eric (ENRD)[Eric.Hostetler@usdoj.gov]  
**Cc:** pat.gallagher@sierraclub.org[pat.gallagher@sierraclub.org]; Hall, Jessica[Hall.Jessica@epa.gov]; Bruce Nilles[bruce.nilles@sierraclub.org]; Casey Roberts[Casey.Roberts@sierraclub.org]  
**From:** Thomas Cmar  
**Sent:** Fri 4/4/2014 10:20:15 PM  
**Subject:** RE: ELG extension  
ENV DEFENSE-#676981-v3-Steam Electric April 2014 Stipulated Extension(tc 2).DOC

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## Ex. 6 - Personal Privacy

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**Ex. 6 - Personal Privacy**

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Sent: Friday, April 04, 2014 2:11 PM

To: Eric Hostetler (ENRD); Hall, Jessica

Cc: [pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org)

Subject: ELG extension

Eric and Jessica,

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<ENV\_DEFENSE-#676981-v3-  
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**From:** Abigail Dillen  
**Sent:** Fri 4/4/2014 9:38:57 PM  
**Subject:** Re: ELG extension

Thanks, Eric. I really appreciate your quick work on all of this.

In reviewing this draft and the new language, I see there is one more conforming change we need to make to the CD which is change the reference to EPA in the last sentence of Paragraph 5 to "the Parties."

Thom will send that change for your review. We can change the notice provision to apply to the Parties rather than just EPA as well.

Sent from my iPhone

On Apr 4, 2014, at 5:11 PM, "Hostetler, Eric (ENRD)"  
<Eric.Hostetler@usdoj.gov<mailto:Eric.Hostetler@usdoj.gov>> wrote:

Thanks Pat.

I have attached a revised draft stipulation with the two additional clauses included (substituting "Plaintiffs" for "Sierra Club").

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Whereas, Sierra Club consents to the extension of time, with the understanding that EPA does not plan to seek further extensions of the final rule deadline beyond September 30, 2015, and with the understanding that EPA has separately committed in the case of Appalachian Voices et al v. McCarthy, Case No. 1:12-cv-00523, to sign, by December 19, 2014, for publication in the Federal Register a notice taking final action regarding EPA's proposed revision of RCRA subtitle D regulations pertaining to coal combustion residuals;

Whereas, Sierra Club reserves the right to request a more expedited deadline than September 30, 2015, in the event that EPA does not sign, by December 19, 2014, for publication in the Federal Register a notice taking final action regarding EPA's proposed revision of RCRA subtitle D regulations pertaining to coal combustion residuals;

Please advise if this language is acceptable.

Eric

**From:** Pat Gallagher [mailto:pat.gallagher@sierraclub.org]  
**Sent:** Friday, April 04, 2014 3:07 PM  
**To:** Hall, Jessica  
**Cc:** Hostetler, Eric (ENRD); Abigail Dillen; Bruce Nilles; Casey Roberts

**Subject:** Re: ELG extension

All - here is stand alone language that we believe reflects the substance of our negotiations with EPA management. Thank you for considering this request.

"Sierra Club consents to the extension of time, provided that EPA makes significant progress in resolving the threat that coal combustion residuals pose to our nations waters. In this regard, Sierra Club reserves the right to reopen the agreement for an extension of the ELG rule in January 2015, should EPA fail to issue a Resource Conservation and Recovery Act rule governing coal ash by December 2014, that makes substantial progress in resolving the threat of coal ash impoundments to our nation's waters."

On Fri, Apr 4, 2014 at 11:30 AM, Hall, Jessica <[Hall.Jessica@epa.gov](mailto:Hall.Jessica@epa.gov)> wrote:

We can use DOJ's number:

## Ex. 6 - Personal Privacy

**From:** Pat Gallagher [mailto:[pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org)]  
**Sent:** Friday, April 04, 2014 2:26 PM  
**To:** Hostetler, Eric (ENRD)  
**Cc:** Hall, Jessica; Abigail Dillen; Bruce Nilles; Casey Roberts  
**Subject:** Re: ELG extension

We have critical mass on our side - what # shall we use ?

On Fri, Apr 4, 2014 at 11:19 AM, Hostetler, Eric (ENRD) <[Eric.Hostetler@usdoj.gov](mailto:Eric.Hostetler@usdoj.gov)> wrote:

I am available now as well

**From:** Hall, Jessica [mailto:[Hall.Jessica@epa.gov](mailto:Hall.Jessica@epa.gov)]  
**Sent:** Friday, April 04, 2014 2:17 PM  
**To:** [pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org)  
**Cc:** Abigail Dillen; Hostetler, Eric (ENRD); Bruce Nilles; Casey Roberts  
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Jessica - Abbie is tied up but perhaps the Club's in-house team, including Bruce Nilles and Casey Roberts (both cc'ed here)

can talk earlier. What times are available ?

Pat

On Fri, Apr 4, 2014 at 11:12 AM, Hall, Jessica <[Hall.Jessica@epa.gov](mailto:Hall.Jessica@epa.gov)> wrote:

I have to leave today at 3pm for an appointment with an orthopedic surgeon. Any chance you can talk before then?

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Eric and Jessica,

It has come to my attention that there may be one additional element to the agreement between our respective clients that needs to be reflected in the stip and agreement on CD modification. Are you available to discuss at 5 ET?

Abbie

Sent from my iPhone

--

Pat Gallagher

Legal Director

Sierra Club

85 Second Street

San Francisco, CA 94105

(415) 977-5709

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**Cc:** Hostetler, Eric (ENRD)[Eric.Hostetler@usdoj.gov]; Abigail Dillen[adillen@earthjustice.org]; Bruce Nilles[bruce.nilles@sierraclub.org]; Casey Roberts[Casey.Roberts@sierraclub.org]  
**From:** Pat Gallagher  
**Sent:** Fri 4/4/2014 7:07:20 PM  
**Subject:** Re: ELG extension

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## Ex. 6 - Personal Privacy

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**Cc:** [pat.gallagher@sierraclub.org](mailto:pat.gallagher@sierraclub.org)  
**Subject:** ELG extension

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Abbie

Sent from my iPhone

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Pat Gallagher

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Legal Director  
Sierra Club  
85 Second Street  
San Francisco, CA 94105  
(415) 977-5709  
(415) 977-5793  
pat.gallagher@sierraclub.org

**To:** Hall, Jessica[Hall.Jessica@epa.gov]  
**Cc:** Abigail Dillen[adillen@earthjustice.org]  
**From:** Thomas Cmar  
**Sent:** Wed 3/12/2014 5:25:22 PM  
**Subject:** RE: Checking in

Thanks, Jessica -- talk to you then

-----Original Message-----

From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]  
Sent: Wednesday, March 12, 2014 12:21 PM  
To: Thomas Cmar  
Cc: Abigail Dillen  
Subject: RE: Checking in

Thom and Abbie,

For Friday's 1pm call, please use the following call-in number and code:

**Ex. 6 - Personal Privacy**

Thanks,  
Jessica

-----Original Message-----

From: Thomas Cmar [mailto:tcmar@earthjustice.org]  
Sent: Tuesday, March 11, 2014 6:45 PM  
To: Hall, Jessica  
Cc: Abigail Dillen  
Subject: Re: Checking in

Yes, that works for us -- thanks. Will it be you and Mary Ellen in the line?

Sent from my iPhone

> On Mar 11, 2014, at 5:29 PM, "Hall, Jessica" <Hall.Jessica@epa.gov> wrote:

>

> Great, and thanks so much in light of the short notice. Can we plan to talk at 1pm Eastern? I will send you a call-in number.

>

> Jessica

>

> From: Thomas Cmar <tcmar@earthjustice.org>

> Sent: Tuesday, March 11, 2014 4:32 PM

> To: Hall, Jessica; Abigail Dillen

> Subject: RE: Checking in

>

> Hi Jessica,

>

> Abbie and I are both available between 11:30 and 2:00 on Friday. Is there a time in that window that works for you?

>

> Thanks,

>

> Thom

>

>  
> -----Original Message-----  
> From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]  
> Sent: Tuesday, March 11, 2014 3:13 PM  
> To: Abigail Dillen  
> Cc: Thomas Cmar  
> Subject: RE: Checking in  
>  
> Hi Abbie and Thom,  
>  
> I understand Abbie had a conversation with Avi this week about steam electric. We would like to talk to you again at the staff level. Is there any chance you might be available for another call on steam electric later this week -- Thursday or Friday?  
>  
> Jessica  
>  
> -----Original Message-----  
> From: Abigail Dillen [mailto:adillen@earthjustice.org]  
> Sent: Wednesday, March 05, 2014 2:20 PM  
> To: Hall, Jessica  
> Cc: Thomas Cmar  
> Subject: Checking in  
>  
> Hi Jessica,  
>  
> Just checking to ensure that we haven't dropped a ball following our last conversation. Josh Stebbins is willing to have the conversation you mentioned with Avi and me and/or Trip.  
>  
> Abbie  
>  
> Sent from my iPhone

**To:** Hall, Jessica[Hall.Jessica@epa.gov]  
**From:** Abigail Dillen  
**Sent:** Tue 12/10/2013 2:00:12 PM  
**Subject:** RE: ELG CD Deadline

Sure. Thanks for working with my crazy schedule this week.

---

From: Hall, Jessica [Hall.Jessica@epa.gov]  
Sent: Tuesday, December 10, 2013 7:56 AM  
To: Abigail Dillen  
Subject: RE: ELG CD Deadline

Abbie, that would work for me, I appreciate you finding some time to talk. Government offices are closed today due to a winter storm that just arrived, so I will be working from home. Could you call my cell phone? Ex. 6 - Personal Privacy Many thanks,  
Jessica

---

From: Abigail Dillen <adillen@earthjustice.org>  
Sent: Tuesday, December 10, 2013 1:33 AM  
To: Hall, Jessica  
Subject: Re: ELG CD Deadline

I have a break tomorrow from 1:15 to 1:45 ET -- I'll try you then?

Sent from my iPhone

> On Dec 9, 2013, at 2:53 PM, "Hall, Jessica" <Hall.Jessica@epa.gov> wrote:  
>  
> Hi Abbie,  
>  
> Looks like we missed each other again today. I'm not sure of your schedule tomorrow, but I can be available for a call anytime before Noon, between 1-3pm, or between 4-5pm Eastern time. I hope one of those time slots might work for you.  
>  
> Best,  
>  
> Jessica Hall  
>  
> Office of General Counsel  
> U.S. Environmental Protection Agency  
> 1200 Pennsylvania Avenue, NW, Mail Code 2355A, Washington, DC 20460  
> Tel. (202) 564-3376 | hall.jessica@epa.gov  
>  
>  
>  
> -----Original Message-----  
> From: Abigail Dillen [mailto:adillen@earthjustice.org]  
> Sent: Friday, December 06, 2013 7:47 PM  
> To: Hall, Jessica  
> Subject: RE: ELG CD Deadline  
>  
> OK great.  
>  
>  
> From: Hall, Jessica [Hall.Jessica@epa.gov]  
> Sent: Friday, December 06, 2013 7:02 PM  
> To: Abigail Dillen

> Subject: RE: ELG CD Deadline

>

> I understand, no problem. I should be at my desk for most of the day, the only thing I have to get away for is a meeting from 1-3pm EST.

>

---

> From: Abigail Dillen <adillen@earthjustice.org>

> Sent: Friday, December 06, 2013 5:45 PM

> To: Hall, Jessica

> Subject: Re: ELG CD Deadline

>

> Yes, sorry about that. Friday snuck up on me in an over scheduled week. I am in meetings in CA on Monday but can try you on a break if you can let me know what open windows you may have.

>

> Sent from my iPhone

>

> On Dec 6, 2013, at 5:28 PM, "Hall, Jessica" <Hall.Jessica@epa.gov<mailto:Hall.Jessica@epa.gov>> wrote:

>

> Abbie,

>

> I'm sorry we didn't connect today. Perhaps we can touch base on Monday; just let me know what works for you. Have a great weekend.

>

> Jessica Hall

>

> Office of General Counsel

> U.S. Environmental Protection Agency

> 1200 Pennsylvania Avenue, NW, Mail Code 2355A, Washington, DC 20460 Tel. (202) 564-3376 | hall.jessica@epa.gov<mailto:goss.heather@epa.gov>

>

>

>

> From: Abigail Dillen [mailto:adillen@earthjustice.org]

> Sent: Friday, December 06, 2013 11:58 AM

> To: Hall, Jessica; Levine, MaryEllen

> Subject: ELG CD Deadline

>

> Hi Jessica and MaryEllen,

>

> Any chance you guys could talk at 1:30 today?

>

>

> Abigail Dillen

> Vice President of Litigation, Climate and Energy

> 48 Wall Street, 19th Floor

> New York, NY 10005

> T: 212.845.7378

> F: 212.918.1556

> earthjustice.org<http://www.earthjustice.org/>

>

> <image001.gif>

>

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and delete the message and any attachments.

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>

>

---

**To:** Hall, Jessica[Hall.Jessica@epa.gov]  
**From:** Jennifer Duggan  
**Sent:** Thur 11/14/2013 2:10:15 AM  
**Subject:** RE: Meeting Re Steam Electric ELGs

Hi Jessica,

Do you have a room for the meeting yet?

Best,

Jennifer Duggan  
Managing Attorney  
Environmental Integrity Project  
1000 Vermont Ave NW, Suite 1100  
Washington, DC 20005  
(802) 225-6774  
jduggan@environmentalintegrity.org

**\*\*Please note new address\*\***

-----Original Message-----

From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]  
Sent: Monday, November 04, 2013 8:51 AM  
To: Jennifer Duggan  
Subject: RE: Meeting Re Steam Electric ELGs

Hi Jen,

So far, we know at least the following people from EPA plan to attend our November 21 meeting:

Rob Wood  
Jan Matuszko  
Ron Jordan  
James Covington  
Mary Ellen Levine  
Jessica Hall

Also, for anyone who needs to participate by phone, here is a call-in number:

**Ex. 6 - Personal Privacy**

Best,

Jessica Hall

Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Mail Code 2355A, Washington, DC 20460 Tel. (202) 564-3376 |  
hall.jessica@epa.gov

-----Original Message-----

From: Jennifer Duggan [mailto:jduggan@environmentalintegrity.org]  
Sent: Friday, November 01, 2013 10:34 AM  
To: Hall, Jessica  
Subject: RE: Meeting Re Steam Electric ELGs

Great. At this point, the following people will attend in-person:

Me  
Eric Schaeffer (EIP)  
Abbie Dillen (Earthjustice)  
Lisa Evans (Earthjustice)  
Thom Cmar (Earthjustice)  
Josh Stebbins (Sierra Club)  
Dalal Aboulhosn (Sierra Club)

Casey Roberts (Sierra Club) will call-in.

I will let you know if that changes.

Would you please let me know who will attend from EPA?

Thanks!

Best,

Jen

-----Original Message-----

From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]  
Sent: Friday, November 01, 2013 9:10 AM  
To: Jennifer Duggan  
Subject: RE: Meeting Re Steam Electric ELGs

Sounds good, I'll circulate a call-in number as soon as I can. Thanks, Jen.

-----Original Message-----

From: Jennifer Duggan [mailto:jduggan@environmentalintegrity.org]  
Sent: Thursday, October 31, 2013 8:20 PM  
To: Hall, Jessica  
Subject: RE: Meeting Re Steam Electric ELGs

Hi Jessica,

Let's confirm 11:30 on Nov. 21. Thanks!

Best,

Jen

-----Original Message-----

From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]  
Sent: Wednesday, October 30, 2013 5:12 PM  
To: Jennifer Duggan  
Subject: RE: Meeting Re Steam Electric ELGs

Hi Jen,

November 21 works best for us, followed by November 12. November 11 is a federal holiday, so that date does not work. We can plan on meeting at noon, that's no problem. Just confirm which date works best for you, and we'll hold it on our calendars. We can also provide you with a call-in number in case not everyone can participate in person.

Thanks,  
Jessica

-----Original Message-----

From: Jennifer Duggan [mailto:jduggan@environmentalintegrity.org]  
Sent: Wednesday, October 30, 2013 10:01 AM  
To: Hall, Jessica  
Subject: RE: Meeting Re Steam Electric ELGs

Here are a few other options that most people can make though I don't think every single person can attend in person:

11/7: 12-2  
11/11: 12-2  
11/12: 12-2  
11/21: 12-2

If possible, this timeslot is best so folks have time to fly/train in in the morning and fly/train out in the afternoon. On some days, we might be able to do a little earlier or a little later.

Best,

Jen

-----Original Message-----

From: Hall, Jessica [mailto:Hall.Jessica@epa.gov]  
Sent: Tuesday, October 29, 2013 9:15 PM  
To: Jennifer Duggan  
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Hi Jen,

Thanks so much for getting back to me. Ron is out of town at a conference from Nov. 17 through Nov. 20. Is there possibly another date outside that window that might work?

Jessica

---

From: Jennifer Duggan [jduggan@environmentalintegrity.org]  
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Subject: Meeting Re Steam Electric ELGs

Hi Jessica,

Does Nov 19 between 10-12:00 work for your folks?

Best,

Jen



**To:** Hall, Jessica[Hall.Jessica@epa.gov]  
**From:** Jennifer Duggan  
**Sent:** Tue 11/5/2013 8:56:23 PM  
**Subject:** RE: Meeting Re Steam Electric ELGs

Great - thanks!

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Best,

Jen



**To:** Hall, Jessica[Hall.Jessica@epa.gov]; Abigail Dillen[adillen@earthjustice.org]  
**From:** Jennifer Duggan  
**Sent:** Sat 4/20/2013 12:30:44 PM  
**Subject:** RE: Steam Electric ELG NPR

It just came up on the website - thanks!

Best,

Jennifer Duggan (formerly Peterson)  
Managing Attorney  
Environmental Integrity Project  
One Thomas Circle NW, Suite 900  
Washington, DC 20005  
(802) 225-6774  
jduggan@environmentalintegrity.org

---

From: Jennifer Duggan  
Sent: Saturday, April 20, 2013 8:27 AM  
To: Hall, Jessica; Abigail Dillen  
Subject: Steam Electric ELG NPR

Thanks, Jessica!

I still don't see the rule on either of the Steam Electric ELG pages:

<http://water.epa.gov/scitech/wastetech/guide/steam-electric/amendment.cfm>

<http://water.epa.gov/scitech/wastetech/guide/steam-electric/index.cfm#point3>

Please let me know if it is posted somewhere else or I am just missing it.

Thanks!

Best,

Jennifer Duggan (formerly Peterson)  
Managing Attorney  
Environmental Integrity Project  
One Thomas Circle NW, Suite 900  
Washington, DC 20005  
(802) 225-6774  
jduggan@environmentalintegrity.org

---

From: Hall, Jessica [Hall.Jessica@epa.gov]  
Sent: Friday, April 19, 2013 11:33 PM  
To: Jennifer Duggan; Abigail Dillen  
Subject: RE: Conference Call Number [Ex. 6 - Personal Privacy] or 4 pm

Jen and Abbie,

The Notice of Proposed Rulemaking for revisions to the Steam Electric ELGs was just signed. A pre-publication of the Notice should be published tonight or early tomorrow morning on our website. Let me know if you have any difficulty accessing it.

Best,

Jessica

-----Original Message-----

From: Jennifer Duggan [mailto:jduggan@environmentalintegrity.org]

Sent: Friday, April 19, 2013 10:48 PM

To: Hall, Jessica

Subject: Re: Conference Call Number **Ex. 6 - Personal Privacy** for 4 pm

Hi Jessica,

No need to call tonight. I will look for the proposal online tomorrow morning. Good luck wrapping things up, and have a good weekend.

Best,

Jen

On Apr 19, 2013, at 2:54 PM, "Hall, Jessica" <Hall.Jessica@epa.gov<mailto:Hall.Jessica@epa.gov>> wrote:

Jennifer and Abbie,

Here is a number you can use for our 4pm call on steam electric. Please pass it on to Craig.

Speak with you soon,

Jessica Hall

Water Law Office  
U.S. Environmental Protection Agency  
202-564-3376

**To:** Hall, Jessica[Hall.Jessica@epa.gov]; Abigail Dillen[adillen@earthjustice.org]  
**From:** Jennifer Duggan  
**Sent:** Sat 4/20/2013 12:27:53 PM  
**Subject:** Steam Electric ELG NPR

Thanks, Jessica!

I still don't see the rule on either of the Steam Electric ELG pages:

<http://water.epa.gov/scitech/wastetech/guide/steam-electric/amendment.cfm>

<http://water.epa.gov/scitech/wastetech/guide/steam-electric/index.cfm#point3>

Please let me know if it is posted somewhere else or I am just missing it.

Thanks!

Best,

Jennifer Duggan (formerly Peterson)  
Managing Attorney  
Environmental Integrity Project  
One Thomas Circle NW, Suite 900  
Washington, DC 20005  
(802) 225-6774  
jduggan@environmentalintegrity.org

---

From: Hall, Jessica [Hall.Jessica@epa.gov]  
Sent: Friday, April 19, 2013 11:33 PM  
To: Jennifer Duggan; Abigail Dillen  
Subject: RE: Conference Call Number

**Ex. 6 - Personal Privacy** for 4 pm

Jen and Abbie,

The Notice of Proposed Rulemaking for revisions to the Steam Electric ELGs was just signed. A pre-publication of the Notice should be published tonight or early tomorrow morning on our website. Let me know if you have any difficulty accessing it.

Best,  
Jessica

-----Original Message-----

From: Jennifer Duggan [mailto:jduggan@environmentalintegrity.org]  
Sent: Friday, April 19, 2013 10:48 PM  
To: Hall, Jessica  
Subject: Re: Conference Call Number

**Ex. 6 - Personal Privacy** for 4 pm

Hi Jessica,

No need to call tonight. I will look for the proposal online tomorrow morning. Good luck wrapping things up, and have a good weekend.

Best,

Jen

On Apr 19, 2013, at 2:54 PM, "Hall, Jessica" <Hall.Jessica@epa.gov<mailto:Hall.Jessica@epa.gov>> wrote:

Jennifer and Abbie,

Here is a number you can use for our 4pm call on steam electric. Please pass it on to Craig.

Speak with you soon,

Jessica Hall

Water Law Office  
U.S. Environmental Protection Agency  
202-564-3376

**To:** Hall, Jessica[Hall.Jessica@epa.gov]  
**Cc:** Jennifer Duggan[jduggan@environmentalintegrity.org]  
**From:** Abigail Dillen  
**Sent:** Sat 4/20/2013 3:37:43 AM  
**Subject:** Re: Conference Call Number

**Ex. 6 - Personal Privacy**

 or 4 pm

Thanks, Jessica.

Sent from my iPhone

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**Ex. 6 - Personal Privacy**

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> Jessica Hall  
>  
> Water Law Office  
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>

**To:** Hall, Jessica[Hall.Jessica@epa.gov]  
**From:** Jennifer Duggan  
**Sent:** Sat 4/20/2013 2:47:51 AM  
**Subject:** Re: Conference Call Number **Ex. 6 - Personal Privacy** for 4 pm

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Jessica Hall

Water Law Office  
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202-564-3376

**To:** Bond, Brian[Bond.Brian@epa.gov]; Arvin Ganesan[Ex. 6 - Personal Privacy] Goo, Michael[Goo.Michael@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Rohan Patel[Rohan\_Patel@ceq.eop.gov]; Ealons, Dru[Ealons.Dru@epa.gov]; Kopocis, Ken[Kopocis.Ken@epa.gov]; Stoner, Nancy[Stoner.Nancy@epa.gov]  
**From:** John Coequyt  
**Sent:** Fri 7/26/2013 4:08:11 PM  
**Subject:** Fwd: Coverage recap for Coal Plant Water Pollution standards report release

Hi all,

The Sierra Club and our partners are working hard to create the same dynamic we had with the MATS rule for the ELG. The big launch of this effort was on the 23rd. We will continue to push a positive message around the need to protect waterbodies from toxic pollution. Let me know if you have any questions.

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So far, press response has been incredibly strong. At least three dozen reporters from around the country joined the national telepresser, and 12 reporters from Charlotte-area publications attended the in-person event, including every local TV news network. As of this afternoon, we've seen 65 news hits referencing the report, not including the nine radio interviews Mary Anne did this morning. Meanwhile, stories continue to come in as reporters digest the findings of the report and as organizers hold local report release events throughout the week.

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supply

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- "Kentucky Focus" - WHAS-AM (Louisville, KY)

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John Coequyt  
Sierra Club

C: Ex. 6 - Personal Privacy  
O: [\(202\) 675-7916](tel:2026757916)

**To:** John Coequyt[john.coequyt@sierraclub.org]  
**From:** Stoner, Nancy  
**Sent:** Fri 7/26/2013 6:36:01 PM  
**Subject:** Re: Fwd: Coverage recap for Coal Plant Water Pollution standards report release

Thanks!

---

**From:** John Coequyt <john.coequyt@sierraclub.org>  
**Sent:** Friday, July 26, 2013 12:08:11 PM  
**To:** Bond, Brian; Arvin Ganesan; Goo, Michael; Vaught, Laura; Rohan Patel; Ealons, Dru; Kopocis, Ken; Stoner, Nancy  
**Subject:** Fwd: Coverage recap for Coal Plant Water Pollution standards report release

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Sierra Club

C: [Ex. 6 - Personal Privacy](#)

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